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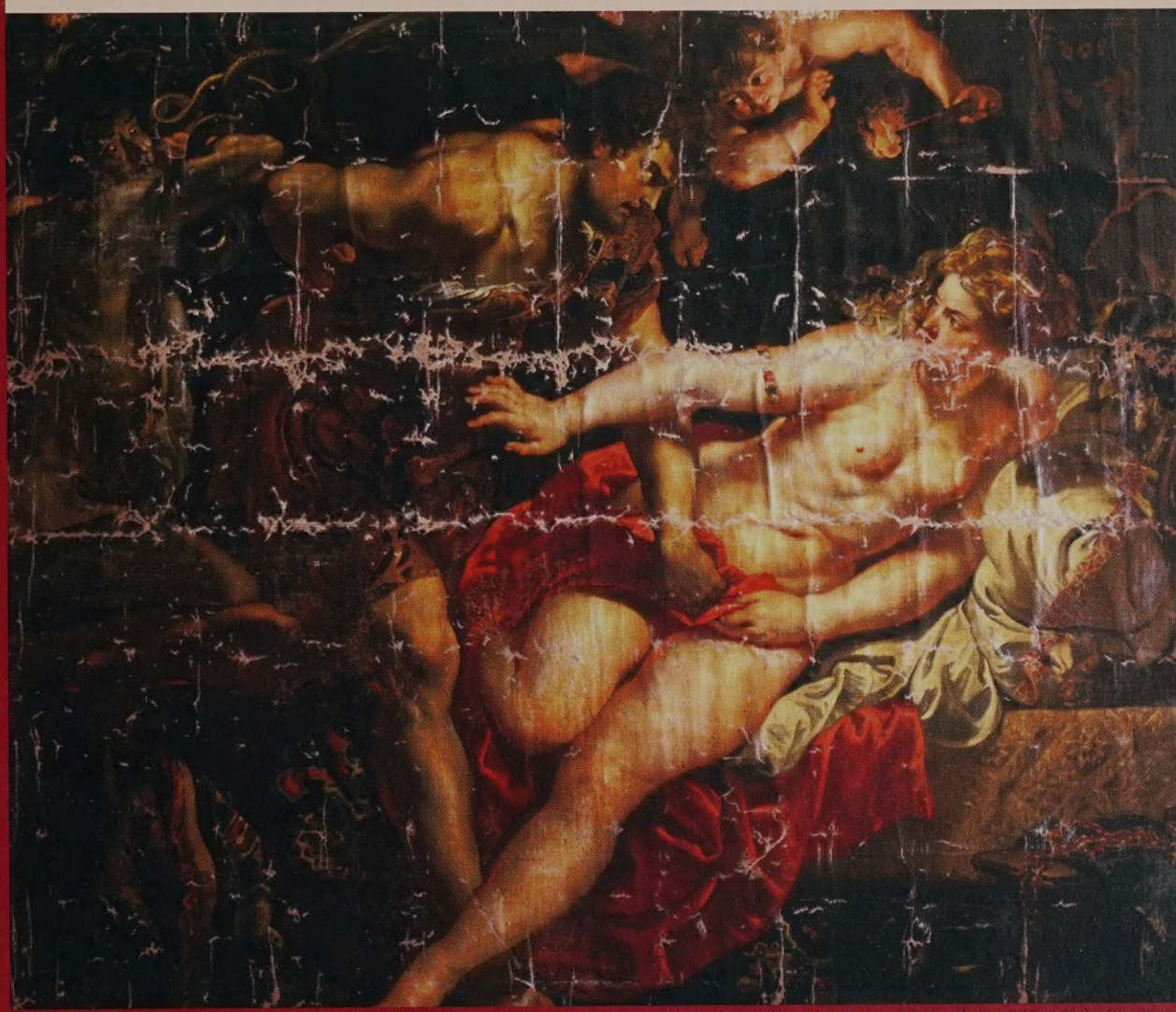

MISSING RUBENS *LUCRETIA* RESURFACES – DAMAGED

EIZENSTAT ON HOLOCAUST RESTITUTION

BRUEGEL FAKES

INCORPORATING **STOLEN ART ALERT**

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INTERNATIONAL FOUNDATION FOR ART RESEARCH

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COVER: Rubens. *The Rape of Lucretia (Tarquin and Lucretia)*, c. 1610. Oil on canvas. 6.13' x 7'. Formerly collection Bildergalerie, Potsdam-Sanssouci, Inv. No. I.313. Disappeared 1945. Currently in Russia. Photo shows its current damaged condition. See story p. 4.

UPDATE ON IRAQ LOOTING CRISIS

Amnesty Program and Good Police Work Yield Results

Although the threat to Iraq's cultural heritage is not over and thousands of objects – primarily cylinder seals – that were looted from the Iraq Museum in April are still missing, there is some good news to report since the last issue of *IFAR Journal.*

Specifically, many of the most important objects stolen from the Iraq Museum have been recovered. The credit for this goes to good police work, tough customs inspections, and a generous Amnesty Program ("Just bring it back. No questions asked.") that was helped by community outreach with local religious leaders. Of the 40 items taken from the museum's public gallery – the most valuable, exhibition-quality items that were too large or too fragile to be moved to safety by the museum staff before the fighting began – 13 have been recovered, in Iraq.

These include:

• The Warka Vase, (c.3000 BC), recovered in June under the Amnesty Program. American authorities got it back, in pieces, in the trunk of a car after being contacted by an Iraqi. It had been offered for sale around Baghdad, without success.

• The Warka Head, (c.3000 BC), a marble Head of a Sumerian Woman, recovered, undamaged, in September. Marine Corps Colonel Matthew Bogdanos, Director of the Inter-Agency Task Force investigating looting in Iraq, says it was found "pursuant not to the Amnesty Program, but to a tip." That tip led U.S. troops and Iraqi police to a farm north of Baghdad, where the Head was found buried under several inches of dirt. The owner of the farm confessed that the artifact had changed hands several times and would have left the country where it might fetch a high price on the international art market, were it not for the heavy publicity and the fear of being caught.

• Bassetki Statue Base of Naram-Sin, (c.2350 BC), recovered in November. This heavy bronze statue base (weighing more than 150 kilos) with cuneiform inscriptions was found hidden in a field in Baghdad following a joint operation between Iraqi police and the U.S. military police.

In addition,

• A collection of more than 800 cylinder seals was recovered in November when it was actually put up for sale outside Iraq. The Italian-Iraq Archaeology Institute moved quickly to buy the collection and then handed it over to the Iraq Museum.

Explaining the recovery process at a talk sponsored by the Archaeological Institute of America on October 15, Colonel Bogdanos made it clear that between getting the objects returned, and catching the looters, his emphasis was on the first. "I don't care," he said, "*why* they took the objects." He just wanted them returned. He revealed that his men rarely had to pay to retrieve the treasures: "You use money as a last resort . . . we used money almost never."

The colonel provided his audience with some fascinating recovery statistics. As of mid-October, 3,412 objects had been returned. Of these, 1,732 came through the Amnesty Program, and all were recovered in Iraq – except one. The exception came in the U.S., after Bogdanos received a call from and agreed to meet a man in a midtown Manhattan coffee shop. The man gave the colonel an envelope containing a 4,000-year-old Acadian stamp from a cylinder seal. The stamp was handed over to the U.S. Attorney's Office in New York.

Bogdanos went on to say that of the 3,412 items recovered, 1,680 were from raids and seizures. A little more than

"As of mid-October, 3,412 objects had been returned. Of these, 1,732 came through the Amnesty Program . . . and 1,680 were from raids and seizures . . ."

half (912) took place inside Iraq; and 768 happened outside, including Jordan, Italy, the U.S. and the United Kingdom. One journalist, he noted, [later identified as Joseph Braude] was "arrested at JFK airport for carrying three cylinder seals. He's under indictment in federal court (Eastern District) in New York."

As to the looting itself, Colonel Bogdanos said he was convinced that although much of the looting was opportunistic, and some was orchestrated by professionals, there was also some insider involvement. He pointed particularly to objects taken from the museum's basement storage room, where, he said, only someone "intimately familiar with the museum" could have found his way. Investigators have found fingerprints – 8 sets in all, of which 5 were usable. The prints have been compared to those of all the military and museum personnel, but "there are no matches yet."

The colonel emphasized that the search for the objects is ongoing, but to be successful, as Bogdanos put it, "We need to deputize every member of the art community."

On another positive note, Donny George Youkhanna, Director of the Iraq Museum, said in a talk hosted by Stony Brook University in New York on October 6th that, despite early reports to the contrary, none of the Iraq Museum's object records had been lost. "They are all safe," he said. And, moreover, he expected to have the museum "reopen in eighteen months."

— S.F.

Sweeping New Swiss Law on Cultural Property

Switzerland has a new law that represents a major change in the country's attitude toward the regulation of cultural objects. Given Switzerland's importance as a center of the international art trade, passage of the law is a milestone in the worldwide effort to regulate the illicit trade in antiquities and cultural property.

The Federal Act on the International Transfer of Cultural Goods entered into force on October 9, the result of several years of hearings and debates. Adoption of this law was a prerequisite for Swiss ratification of the 1970 UNESCO Convention on Cultural Property, which regulates the international movement of cultural objects and attempts to stem illicit trafficking of them. Currently, 100 countries are party to the Convention, including the U.S., which signed its implementing legislation (with reservations) in 1983.

The next step is for the Swiss federal government to state exactly how the new law will be implemented and when it will go into effect (expected to happen sometime next year).

The new law is directed not only at cultural property from other countries, but also at objects within Switzerland judged to be of importance for Swiss cultural heritage. Under Article 3 of the new law, the federal government will create an inventory listing cultural property belonging to the Swiss Confederation. Exportation of such property will be prohibited. More important– and more difficult, according to Marc-André Renold of the Swiss Art-Law Centre – will be the creation of an inventory (Article 4) for the individual cantons. There are 26 such Swiss cantons, and each one can set up its own inventory. No such inventories – whether for the federal government or the cantons – currently exist.

Considering Switzerland's pivotal role in the international art market, special attention is being given to the due diligence requirement on the art trade imposed under the new law (Article 16). Also significant is the lengthening of the time in which a foreign government can make a claim for an object that was illegally exported and brought into Switzerland (Article 9). The statute of limitations on such claims, previously only five years, will now be 30. However, if the object was acquired in good faith, the person who bought it and is forced to return it must be reimbursed the purchase price and other costs, and can hold onto the object until he receives the reimbursement.

— S.F.

MISSING RUBENS *LUCRETIA* TURNS UP IN RUSSIA

In German Museum until WWII

Return Being Discussed at Highest Levels

Thousands of works of art from German collections missing since World War II are believed to have been taken to the Soviet Union by the victorious Red Army. One of the most celebrated of these works, Rubens' *Rape of Lucretia*, has recently resurfaced. The painting (also known as *Tarquin and Lucretia)* (Fig. 1), is now in the custody of the Russian federal police while the question of who owns it is being settled. Given the background of its seizure and discovery, there are political nuances, and the painting was included on the agenda of an October meeting between Chancellor Schroeder of Germany and President Putin of Russia.

"The discovery of the painting was triggered by e-mails initiated on behalf of its current Russian owner. . . Originally characterized as a member of the Russian mafia, . . . Logvinenko maintains he is an honest businessman who bought the painting fair and square . . ."

Painted c.1610, early in Rubens' career, soon after the great Flemish artist returned from Italy, the large canvas, 6.13' x 7' (187 cm x 214.5 cm), was acquired by Frederick the Great of Prussia in 1765. It later entered the collection of Sanssouci, his palace near Pottsdam. In 1942 it was moved to a castle in Rheinsberg, and then to the summer home of Joseph Goebbels, the Nazi propaganda head, where, we now know, it hung in his mistress' bedroom. When the victorious 61st Red Army entered Germany, it was taken by a Russian soldier and brought back to Russia, part of a large cache of works of art the Russians claimed in compensation for the catastrophic losses caused by Germany during the Second World War.

Russian courts have upheld a law passed by the Russian legislature legalizing the ownership of works taken by Soviet soldiers from German museums and collections after WWII. However, the subject continues to be a contentious and emotional one between the two countries.

THE RUSSIAN OWNER AND THE E-MAILS

The discovery of the painting was triggered by e-mails initiated on behalf of its current Russian owner, now identified as Vladimir Logvinenko. Although originally characterized in the press as a member of the Russian mafia (see, e.g., *The Guardian*, September 19, "Russian Mafia Tries to Cash in on Lost Rubens"), Logvinenko maintains that he is an upstanding businessman (in corporate real estate) who bought the painting fair and square, reputedly for several thousand dollars, from the last of a chain of owners who acquired it after the death of the Russian soldier who took it originally. The Russian Ministry of Culture has come to Logvinenko's defense.

Figure 1. Rubens, *The Rape of Lucretia*, c.1610. Oil on canvas. 6.13' x 7'. Formerly collection Bildergalerie, Potsdam-Sanssouci, Inv. No. I.6313. Disappeared 1945. Currently in Russia. Photo: Corpus Rubenianum, pre-WWII condition.

The initial e-mails on behalf of Logvinenko were sent in February by a Swiss businessman living in Russia. Two attachments to the e-mails, in color, showed the Rubens painting in very damaged condition (Figs. 2 & 3). The first person he approached was a New York art dealer, Steven O'Hara of the O'Hara Gallery, an acquaintance of his. O'Hara has told IFAR that the Swiss man, who was unfamiliar with the art world, "was *not* trying to sell the painting for the owner; he just wanted help in getting it back to the museum." But he was looking for a large "finder's fee." O'Hara, not wanting to get involved with what might be regarded as stolen art, contacted the Art Loss Register and stepped out of the picture.

The Swiss businessman also contacted Gerd Bartoschek, curator at the gallery at Sanssouci (now managed by the

Figure 2. Rubens, *The Rape of Lucretia* (cropped), showing its current damaged condition, as seen in an e-mail sent by its Russian owner in February.

Figure 3. Det. of Fig. 2.

Foundation for Prussian Palaces and Gardens [SPSG]), who notified police, but stayed in touch with his e-mail correspondent. This summer, Bartoschek went to Russia with another art historian to view the painting in Logvinenko's Moscow apartment. They confirmed that it was the missing Rubens, and the story became front page news.

A spokesman for the Russian Cultural Ministry interviewed in the Russian newspaper *Izvestia* in September defended Logvinenko's request for money saying essentially that according to Russian law Logvinenko owned the painting and should be compensated for its purchase and the money he spent on restoration. For his part, Logvinenko is reported to have requested as much as 25 percent of the painting's value. An authentic, documented Rubens this size, if in good condition, (which photos show this is not), and where ownership is uncontested, would be worth many millions of dollars on the market. Logvinenko has turned the painting over to the Russian FSB, but, he says, he is still the owner.

"The German government refuses to 'buy back' works that were taken from its collections . . ."

The German government, which refuses to "buy back" works that were taken from its collections, said in a press release that the handing over of the painting to Russian authorities was "gratifying" and also a "signal that war booty has no commercial value." Wolfgang Maurus, of the German Cultural Ministry tells IFAR that it would be fine if Mr. Logvinenko were "compensated for expenses," but that he "couldn't say" when the painting would return to Germany. "Based on past exchanges between Germany and Russia," he said, "it's impossible to predict the return of the painting." This is a reference to the difficult history of German negotiations with Russia regarding war booty.

THE RUBENS PAINTING

The rediscovery of the *Rape of Lucretia* is a signal event. It is one of Rubens' most dramatic and marvelous paintings. Inspired by the Roman historian Livy's story of the rape of the chaste Roman matron Lucretia by the Tarquin, Sextus Tarquinius, son of the King of Rome, (an event which, according to legend, led to the overthrow of the Etruscans and the establishment of the Roman Republic), the paint-

Figure 4. Det. of Fig. 1: Lucretia and her lap dog.

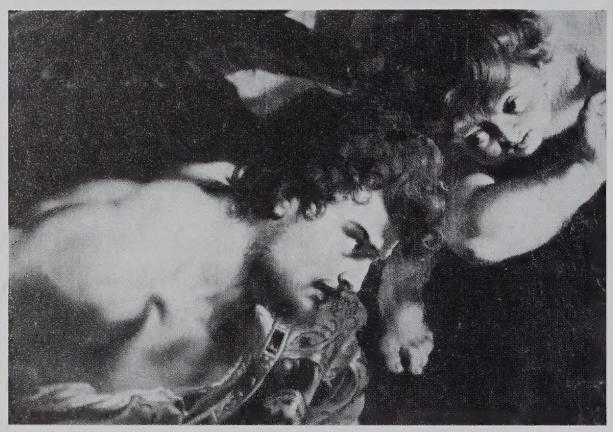

Figure 5. Det. of Fig. 1: Tarquin and Cupid.

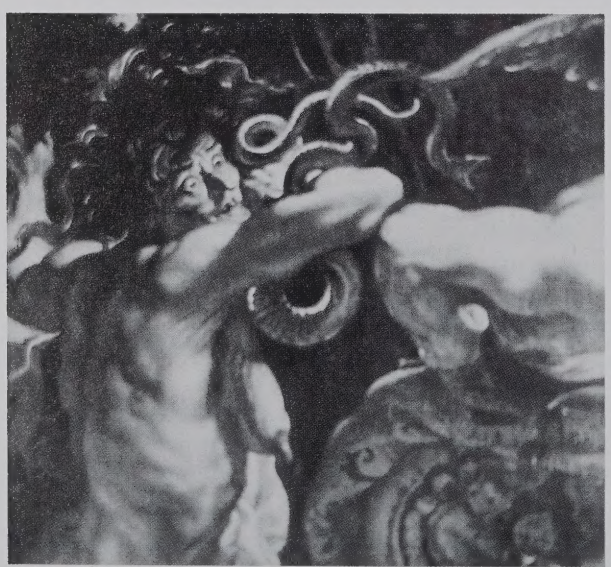

Figure 6. Det. of Fig. 1: The serpent-headed Fury, Tisiphone.

"Until it turned up in Russia, the picture was known only through black and white reproductions."

ing shows Rubens' familiarity with classical themes. The artist has chosen the moment when Tarquin, having failed in his attempt to persuade Lucretia to succumb to his sexual entreaties, brandishes a still partially concealed knife in his right hand while, with his left, he grabs at the remaining piece of red drapery covering her voluptuous nakedness, which Lucretia, protected only by her lap dog (Fig. 4), tries vainly to hide. Hovering above is Cupid (Fig. 5), while the snake-headed Fury, Tisiphone, hurls her firebrand from behind (Fig. 6). At once violent and passionate, the emotional intensity of the painting is enhanced by dramatic lighting and dense action. In choosing this theme, Rubens was following the path of his idol, the Venetian artist Titian, who painted three versions of the subject. All focus on the less erotic and more threatening moment when the knife in Tarquin's right hand is no longer concealed, but raised and poised for the thrust. (See, e.g., the version most similar to the Rubens, in the Fitzwilliam Museum, Cambridge.)

Until it turned up in Russia, Rubens' picture was known only through black and white reproductions, even to the authors of the comprehensive Rubens catalogue raisonné.[1] But the opulence of Rubens' colors and textures are visible even in the colored e-mail sent last February, which shows the painting to be in very bad condition.

News reports tell us that for many years the painting was rolled up. But, it must also have been folded, judging from the branding, that is, the paint loss along the edges of the vertical and horizontal creases. These are clearly visible in the e-mailed attachments. Despite queries, IFAR was unable to learn the extent of the damage or precisely what caused it. For now, we – and everyone – must be satisfied simply to know that the painting still exists.

— S.F.

[1] See Elizabeth McGrath, *Rubens Subjects from History*, ed. Arnout Balis, Vols. 1 & 2, cat. entry #44. *Subjects from History* is the thirteenth part of the *Corpus Rubianum Ludwig Burchard*, Harvey Miller Publishers, 1997.

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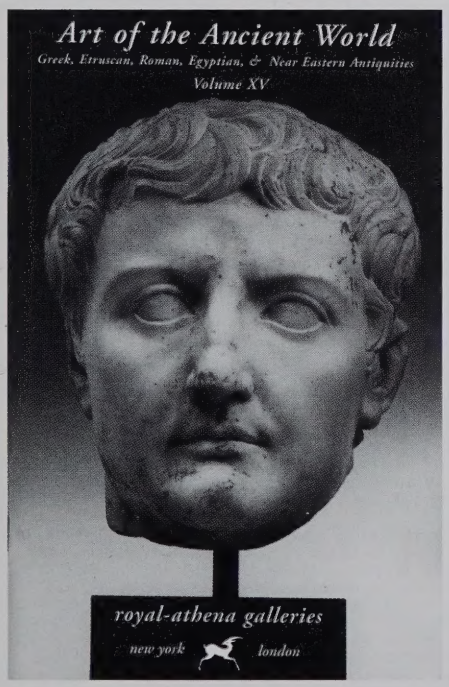

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Figure 1. Benvenuto Cellini, *Saltcellar,* 1540-1543. Gold, niello work, and enamel base. Ht: 10.2" x 13.1" (26 x 33.3 cm). Stolen from the Kunsthistorisches Museum, Vienna, May 11, 2003. (Photo: Erich Lessing/Art Resource, NY)

AUTHORITIES TURN TO THE WEB TO RETRIEVE 450-YEAR-OLD CELLINI MASTERPIECE

The most famous saltcellar in European art was crafted by master goldsmith Benvenuto Cellini (1500-1571) in the 16th century and has been an object of admiration for 450 years (Fig.1). It was stolen from the Kunsthistorisches Museum in Vienna in May, and now authorities are reaching for 21st century technology – The Age of The Internet– to retrieve the stolen creation.

In an extraordinary move, an Internet Web site has been set up that can be read by anyone with a computer – but which contains a special message designed to be understood by one particular person – the person who sent a ransom note and presumably has or stole the saltcellar (also known as a saliera).

The saliera – a remarkable gold and enamel salt and pepper holder – was created for the French King Francis I, who, when he saw the wax model, reportedly said: "This is a hundred times more divine a thing than I have ever dreamed of." When the object was finished (in 1543), he was even more enthralled. As Cellini tells us in his boastful and self-promoting *Autobiography*: the King "uttered a loud cry of astonishment and could not satiate his eyes with gazing at it."

The saltcellar disappeared on May 11 after a nighttime break-in at the museum, which has one of the most renowned art collections in the world. But nothing else was taken. The theft involved smashing a double-glazed first-story window (accessed via scaffolding) and then a glass display case. It triggered an alarm. But three museum guards, assuming it was a false alarm like several other recent ones, did not respond. (They were suspended.)

The saltcellar is said to be worth upwards of $50 million, but it is essentially priceless and certainly unmarketable given its fame and the publicity surrounding the theft. It is the only remaining known gold object crafted by Cellini, one of the most gifted artists of all time, and at the same time notorious – an admitted murderer with a violent temper, but with friends in high places. Pope Paul III reportedly said: "Men like Benvenuto, unique in their profession, stand above the law."

Putting aside the presumed market value of the saliera, the Vienna museum offered a reward of 70,000 euros (approximately the same in dollars) for its return. The response, by letter, in English, and apparently from a woman, was a demand for *five million* euros. The letter included pulverized scrapings said to be from the saliera. The scrapings, according to reports, matched the object with 90 percent certainty. The ransom letter warned the museum and the insurers to keep the proposed transaction secret. However, word of it leaked to the press, news media carried the story, and the party demanding the ransom disappeared.

Searching for a way to make contact again, the museum (or someone acting on its behalf) created a Web site (www.thesaliera.com) that can be read by all Internet users but which is addressed presumably to the ransomer and directs her (if she reads it) to another Web site for which only she would have the correct address.

The Web site message reads:

> *Sara, Please come back. We are sorry for all the fuss surrounding the letter. It should not have happened. You can ring and leave a message on our telephone number 0033.6132.96789 or you can email us. Please look at the new website which we have set up especially for you. There is a special address only for you. It is taken from your letter: www.(the last five words from paragraph two, fifth line but excluding the last word).com. We can then make whatever arrangements you want. If you have problems identify yourself on the telephone number. –Rossi.*

The phone number in the Web site, with the country code (33) of France, is answered by an English message saying:

> *Welcome. If you have found the saliera we need to verify its authenticity. Please leave a number to call you back to arrange collection and payment. There is a large reward for the finder. Thank you.*

IFAR has been unable to learn more about the ransom letter or its sender, but the Italian newspaper *Corriere della Sera* on October 7 reported that the saliera.com website had been set up (in London) in June. This poses another puzzle, since the reported ransom letter went public in late August. It may suggest that the ransom demand was made sooner than has been reported.

There is concern that the saltcellar has been damaged (reportedly, "a lot" of enamel was found in the museum) and will be further damaged or even melted down for its precious metals. The value of the metal, however, is small compared to its value as art. This is no ordinary condiment holder. A lavish, elegant, and intricate piece showing the influence of Michelangelo, with whom Cellini briefly studied, the object is a work of fancy – an allegory with erotic overtones, showing the sea, in the figure of a bearded Neptune surrounded by dolphins and a ship to hold the salt (Fig. 2), and sea horses (Fig. 3); and the Earth (Tellus), in the figure of a goddess next to an Ionic temple that holds the peppercorns. The gods are precariously balanced on the circular base, leaning far back in unstable poses. The densely packed figures along the base representing the seasons and the parts of the day (Fig. 4), reveal the object as a tour de force meant to show off Cellini's skill as a goldsmith, and to impress us with his grace and virtuosity. It would be a crime if harm came to this irreplaceable work.

— S.F.

Figure 2. Det., *Saltcellar*, showing dolphins surrounding Neptune's ship, which holds the salt. (Photo: Erich Lessing/Art Resource, NY)

"The museum (or someone acting on its behalf) created a Web site . . . which is addressed presumably to the ransomer and directs her . . . to another Web site for which only she would have the correct address."

Figure 3. Det., *Saltcellar*, showing Neptune's attributes, the sea horses. (Photo: Erich Lessing/Art Resource, NY)

"A lavish, elegant, and intricate piece showing the influence of Michelangelo, with whom Cellini briefly studied, the object is a work of fancy. . ."

Figure 4. Det., *Saltcellar*, showing "Daytime," the Michelangelesque allegorical figure on the base. (Photo: Erich Lessing/Art Resource, NY)

POLICE: NO TRAIL FOR MISSING "MADONNA" ATTRIBUTED TO LEONARDO

In August, the art world was riveted by the theft of a 'Virgin and Child,' known as the *Madonna with Yarnwinder*, from a castle in Scotland. The painting is attributed by some scholars to Leonardo da Vinci, by others to his workshop. Despite an intensive search and a sizeable reward, it is still missing, and authorities are at a temporary dead end.

Detective Chief Inspector Peter McAdam of the Scottish police force has told IFAR that "we have exhausted all former lines of inquiry. There are no new lines." Even leads stemming from his television appearance on BBC's "Crimewatch" have come to a dead end. What few clues his men do have include what he called "outstanding forensic marks." DCI McAdam expressed surprise that the thieves had not demanded money for the return of the painting. He told us that "A syndicate at Lloyds of London have put up a huge reward, more than I'm used to dealing with, but there has been no attempt at ransom." He added that ransom was "one thing we might have expected."

Mark Dalrymple, the insurance adjuster on the case, told IFAR that the reward "is well into five or six figures." It will be paid only for "information which leads directly to the recovery," but, he assured us, "it won't go to the criminals involved," thus suggesting that the police and the insurance authorities are trying to encourage information from tipsters and insiders. Mr. Dalrymple pointed out to IFAR that in the United Kingdom public policy precludes offering a reward that might actually encourage a crime.

The painting, an oil on panel measuring only 18¼" x 14", was stolen on August 27 by a team of four thieves in a brazen and well-planned robbery in broad daylight.

"We have exhausted all former lines of inquiry . . . There has been no attempt at ransom."

Leonardo da Vinci (?) or Workshop. *Madonna with Yarnwinder*, c.1501-08. Oil on panel. 18¼ x 14 inches. Stolen August 27, 2003 from Drumlanrig Castle in Scotland. Collection of The Duke of Buccleuch & Queensbury, KT.

Two of them paid their way into the castle along with a number of tourists. Drumlanrig Castle is home to the Duke of Buccleuch, Scotland's largest landowner. After the other tourists had passed through, one of the men pulled out a knife and forced a young female guide to get down on the floor. The second man pulled the painting (still in its frame) from a nearby wall, above the staircase. This activated an alarm but the police did not arrive until 15 minutes later. By then the thieves had escaped, along with a third accomplice, by jumping into a waiting car driven by a fourth man.

Just outside the castle grounds police found the painting's frame, which had been discarded (or dropped). It's also known that a few miles down the road they switched into a second car and disappeared. The thieves have not been identified even though police circulated photographs of them taken by a New Zealand couple who, camera in hand, almost ran right into the three men as they were jumping over the outside castle wall. One man carried what the couple later learned was the stolen painting. Video surveillance cameras in the castle did not get usable pictures because the thieves used their hats (one was a New York Yankees' baseball cap!) to hide their faces.

THE MADONNA

The *Madonna with Yarnwinder* has been in the Duke's family since 1756. Painted c.1501-08, it is one of several versions of a work painted by Leonardo expressly for Florimond Robertet, the Secretary of State to King Louis Xll of France, who occupied Milan and Genoa at the time.

The original Leonardo is known only through reproductions and studio versions. But it is well documented, as are two versions made by Leonardo's studio assistants, with occasional touches by the master, that were recorded by a contemporary, Fra Pietro da Novellara. Many scholars believe that the Duke's painting is one of those two versions.

The subject, a Virgin and Child holding a cross-like wooden yarnwinder, shows the Virgin, perhaps intending to spin some yarn. But, as described by Fra Pietro, "the Child, resting one foot in the basket of flax, has taken hold of the yarnwinder and gazes attentively at those four spokes in the shape of a cross and smiles as if he desires the cross and keeps hold of it firmly, not wishing to yield it to his mother, which it seems she wants him to do." [1] The Duke's version differs from the original as described by Fra Pietro in that, unlike in the original, the Child's foot doesn't rest in the basket of flax.

Thus, what we see in the stolen painting is a simple domestic scene (the spinning of yarn) transformed into a prefiguration of the crucifixion, and a child's playful gesture imbued with intimations of his own death.

Although scholars agree that the Duke's painting dates to the time and studio of Leonardo, they differ as to what degree the great Renaissance master himself was involved. The attribution has gone back and forth over the years. In his 1981 book on Leonardo, Martin Kemp, a scholar at Oxford, attributed the work to "Leonardo(?) and workshop." Several years later he upgraded his assessment as a result of tests done on both the Duke's painting and another version from a private American collection, when both were lent for an exhibition at the National Galleries of Scotland.

[1] Quoted from Martin Kemp, *Leonardo da Vinci: The Marvellous Works of Nature and Man*, Harvard University Press, 1981, p. 219.

In the painting, "a simple domestic scene (the spinning of yarn) is transformed into a prefiguration of the crucifixion . . ."

The tests revealed *pentimenti*, small alterations in the under-drawing, suggesting greater spontaneity than would normally be expected in a copy.

This has led to speculation that the under-drawing itself might be by Leonardo, and Kemp in an interview quoted in the London *Sunday Times* this past August said that he had "elevated" the painting "from the status of a disputed 'studio product' to 'prime original'." Others continue to disagree. Jacques Frank of the UCLA Armand Hammer Center for Leonardo Studies, for example, was recently quoted (*The London Times*, Sept. 15, 2003) as saying that the Duke's painting was "probably a copy worth no more than 100,000£." And James Beck, a Renaissance specialist at Columbia University, told IFAR that the attribution to Leonardo is "wishful thinking." He added: "I don't believe that either it or the painting in the U.S. is by the hand of Leonardo."

— S.F.

FOLLOWERS AND FAKERS OF PIETER BRUEGEL

NADINE M. ORENSTEIN*

Figure 1. Hendrick Goltzius, *Mountain Landscape*, 1594, pen and brown ink, 44 x 35.6 cm. Haarlem, Teylers Museum.

When the Dutch artist Hendrick Goltzius (1558–1617) drew the *Mountain Landscape* in the style of Pieter Bruegel the Elder (1525/30 – 1569) in 1594 (Fig. 1), he was just one of many late sixteenth and early seventeenth-century draftsmen who had found inspiration in the work of the Flemish master. Goltzius imitated not only the imaginary Alpine vistas with minuscule travelers that were a hallmark of Bruegel's landscapes of the 1550s but also the sweeping, slightly thick, parallel hatching so typical of his penwork in sheets like the *Mountain Landscape with River and Travelers*, 1553 (Fig. 2). Goltzius's Bruegel-style landscape could not have been taken for an actual work by the Renaissance master, however. It is twice the size of any of his known sheets and the shapes of the cliffs and the swirling clouds are much more exuberant and further removed from reality than any in Bruegel's work. In addition, Goltzius added his own "HG" monogram. He signed it inconspicuously but nonetheless in a central spot on the arch over the tunnel in the mountain and dated the sheet in the lower center, on the side of the cliff.

Was such a work meant as a fake? Not at all. It was meant as a display of virtuosity by an ambitious and confident artist, who had without a doubt studied actual landscape drawings by his great predecessor. Indeed it is one of a number of works that Goltzius created during the last twenty years of his career in the styles of such masters as Albrecht Dürer, Lucas

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Figure 2. Pieter Bruegel the Elder, *Mountain Landscape with River and Travelers*, 1553, pen and red-brown ink, with light wash, 21.3 x 28.1 cm. The British Museum, London 0.0.9-9 (p. 2).

van Leyden, and Federico Barocci.[1] Goltzius's drawing in Bruegel's style is bigger and more spirited than any Bruegel original and that is hardly surprising to students of Goltzius's work – he intended to show that he could compete with and even outshine his great predecessors on their own turf, so to speak.

Assigning the terms fake and forgery to works of art created during the sixteenth and seventeenth centuries is no easy task. Although not all artists were blessed with Goltzius's chameleonlike ability and supreme self-assurance, copying and imitating earlier masters were important aspects of Renaissance and Baroque practice. Pieter Bruegel's landscapes in particular spawned numerous followers and imitators, several of whom created works that were long considered originals by the artist, and sifting out their work has kept scholars of Bruegel's corpus of drawings busy over the last decades. René van Bastelaer's catalogue of Bruegel's drawings published in 1907 accepted 104 sheets; Charles de Tolnay's in 1952 accepted 123, and Hans Mielke's, published posthumously in 1996, reduced the number to sixty-one.[2] Mielke's reattribution of landscape drawings diminished the number of Bruegel's accepted drawings considerably by about forty works.

The *Mountain Landscape with a River, Village, and Castle* (Fig. 3) is one such piece, representative of a group of twenty unsigned Alpine landscapes, long considered core works by the artist that were rightly removed from Bruegel's corpus by Mielke.[3] This large finished sheet was thought to have been by Bruegel himself, indeed considered one of his masterworks, and along with some of the other, smaller, incomplete sketches by the same hand, had been considered on the spot testimony to Bruegel's experience of the Alps during his Italian journey. These would have been the sketches famously mentioned by Van Mander in his biography of the artist:

" . . . Copying and imitating earlier masters were important aspects of Renaissance and Baroque practice."

Figure 3. Master of the Mountain Landscapes, *Mountain Landscape with a River, Village, and Castle*, late 16th or early 17th century, pen and several shades of brown ink with black-brown reinforcements, and brush and brown ink in foreground, 35.7x 44.4 cm. The Pierpont Morgan Library, New York. 1952.25.

[1] See for example cat nos. 67, 75, 92, and 94 and pp. 203–209 in the recent exhibition of Goltzius's work, Huigen Leeflang and Ger Luijten eds., *Hendrick Goltzius (1558–1617): Drawings, Prints and Paintings*, exh. cat., Zwolle, 2003.

[2] René van Bastelaer and Georges Hulin de Loo, *Peter Bruegel l'Ancien, son oeuvre et son temps: Étude historique, suivie des catalogues raisonnés de son oeuvre dessiné et gravé*, Brussels 1907; Charles de Tolnay, *The Drawings of Pieter Bruegel the Elder, with a Critical Catalogue*, translation and revision of 1925 ed., London, 1952; Hans Mielke, *Pieter Bruegel: Die Zeichnungen*, Turnhout, 1996.

> On his travels he drew many views from life so that it is said that when he was in the Alps he swallowed all those mountains and rocks which, upon return ing home, he spat out again onto canvases and panels, so closely could he imitate these and other parts of nature.[4]

The remarkable subtraction from Bruegel's drawn *oeuvre* that was first proposed by Mielke in 1991 was brought about by a straightforward observation: the Morgan Library drawing (Fig. 3) and a landscape in Dresden were drawn on paper with recognizable watermarks found on sheets dating from the mid-1580s through the seventeenth century, thus at least fifteen years after Bruegel's death and some thirty years after 1552–1554, the period when they had generally been thought to have been created.[5] This dated them to the late sixteenth or early seventeenth-century. There has not been much agreement on the identity of their author. In the recent exhibition of Bruegel's drawings at the Museum Boijmans van Beuningen and the Metropolitan Museum, they were grouped under the name the Master of the Mountain Landscapes.[6]

Figure 4. Joannes and Lucas van Doetecum after Pieter Bruegel the Elder, *Insidiosus Auceps (The Crafty Bird Catcher)*, ca. 1555–56, etching with engraving, 32 x 42.4 cm. Purchased from the Helen and Alice Colburn Fund, 1934, Courtesy, Museum of Fine Arts, Boston.

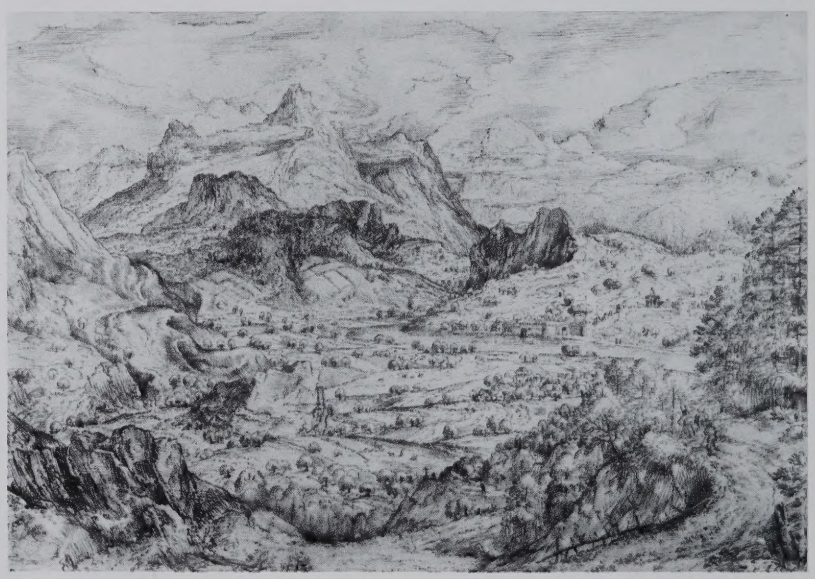

Figure 5. Master of the Mountain Landscapes, *Landscape with Two Mules*, late 16th or early 17th century, pen and brown ink, 29.4 x 42.5 cm. Courtauld Institute of Art Gallery, London.

The drawings share a number of characteristics. Their statuesque monumentality and reserved character now seem atypical for Bruegel as well as unusual for work produced in the early part of the mid-sixteenth century. A shared trait among them is the sharp, thin, controlled penwork that defines the outlines of the

[3] Mielke 1996 (op.cit. note 2), no. A1.

[4] Van Mander, *Lives*, vol. 1, p. 190, fol. 233.

[5] The watermark was the Strasbourg Lily with the initials WR attached below; see Mielke, "Noch einmal zum Problem von Pieter Bruegels Landschaftszeichnungen: Eigene Studien oder Ableitungen?" *Münchner Jahrbuch der bildenden Kunst*, ser. 3, 42 (1991), pp.137–47, and "Pieter Bruegel d. Ä.: Probleme seines zeichnerischen Oeuvres" *Jahrbuch der Berliner Museen*, n.s., 33 (1991), pp. 129–34 where he proposed a possible attribution to Roelandt Savery; he catalogued the drawings as R. Savery ? in his 1996 monograph op.cit. note 2; Royalton-Kisch in his review of Mielke suggested Jacob Savery as an alternative (Martin Royalton-Kisch, *Burlington Magazine* 140 (1998), no.1140, p. 208, note 3).

Figure 6. Master of the Mountain Landscapes, *Solicitudo Rustica (Rustic Cares)*, late 16th or early 17th century, 24.4 x 35.2 cm. British Museum, London.

mountains and the parallel hatching. These pen lines differ from the somewhat thicker, minutely wavering, often impulsive lines characteristic of Bruegel's accepted drawings, those imitated by Goltzius. Often visible on these sheets are light traces of a careful black chalk underdrawing that the pen lines followed.

Significantly, these works imitate Bruegel's compositions more than they do his drawing style. As Mielke pointed out, the author of these sheets appears to have been closely studying the engravings after Bruegel's designs made by Lucas and Joannes Van Doetecum, which were commonly known as the Large Landscape prints (Fig. 4).[7] The widely circulated Large Landscape prints were the main means by which Bruegel's landscape style was known in his own time. The Master of the Mountain Landscapes appears to have selectively chosen motifs from several of the Large Landscapes and artfully worked them into the Alpine scenes. For instance, in the *Landscape with Two Mules* (Fig. 5), the large oddly-shaped clump of rocks in the lower left corner was quoted directly from the engraving *Insidiosus Auceps (The Crafty Bird Catcher)* (Fig. 4) where that same rock formation appears larger on the left.[8] In many instances the prints seem to have been the source not only for specific details but also for the pointillist-like delineation of some of the foliage and the cross-hatching on the rock faces. While previously thought to have been the models that Bruegel used in conceiving his Large Landscape compositions, the fact that the unusual clump of rocks mentioned above appears in more than one of these drawings is just one of the indications that led Mielke to suggest that the entire group of sheets was not created on site and not by Bruegel but by an artist copying details from the prints and working them into larger compositions. The identity of the author of these fascinating works, which have lost their attribution to Bruegel but none of their grandeur and monumentality, remains an intriguing question. Mielke's original suggestion of Roelandt Savery (1576–1639), which he later qualified in his catalogue with a question mark, has few supporters, and Martin Royalton-Kisch's suggestion of Jacob Savery (ca. 1565–1603) in his review of Mielke's book is still a hard pill to swallow.[9]

The Morgan Library drawing is nevertheless a masterful work; a large and complex Alpine vista that is clearly the creation of a skilled artist. The question arises, however, as to whether its author was merely a talented artist whose works were erroneously given to Bruegel by early students of the artist's corpus or whether he actually intended his drawings to be taken as original sheets by the master. A drawing in the British Museum seems to suggest the latter. *Solicitudo Rustica (Rustic*

"The identity of the author of these fascinating works, which have lost their attribution to Bruegel but none of their grandeur and monumentality, remains an intriguing question."

6 Nadine M. Orenstein ed. *Pieter Bruegel the Elder: Drawings and Prints*, exh. cat. New York and New Haven, 2001, pp. 266–67, and cat. nos. 120–125.

7 Henk Nalis, *The New Hollstein Dutch & Flemish Etchings, Engravings, and Woodcuts, 1450–1700. The Van Doetecum Family. Part I. The Antwerp Years, 1554–1575*, Rotterdam, 1998, nos. 10–21.

8 In this drawing the artist quoted from three other Large Landscape prints as well, Mielke 1996 (op.cit. note 2), p. 76, cat. A6.

9 Royalton-Kisch 1998, op. cit. note 5.

Figure 7. Joannes and Lucas van Doetecum after Pieter Bruegel the Elder, *Solicitudo Rustica (Rustic Cares)*, ca. 1555–56, etching with engraving, 32.2 x 42.1 cm. Purchased from the Helen and Alice Colburn Fund, 1934, Courtesy Museum of Fine Arts, Boston.

Cares) first came to light in 1963 and at that time was given to Bruegel (Fig. 6).[10] Yet, there can be little doubt now that the hand that drew this sheet is the same one responsible for the rest of the Master of the Mountain Landscapes group. This penwork is precise and measured, and it lacks the spring and movement of the accepted landscape drawings. The image was composed with the fine, sharp, controlled linework characteristic of those sheets. The pen lines define the shading of the rock faces in careful parallel hatching and delicately emphasize the silhouette of the mountain range against the sky. As with many of the works in this group, light traces of a careful black chalk underdrawing are visible.

"Were all the small 'unfinished' sketches also meant to pass as Bruegel originals?"

This sheet is the only one to closely reproduce the entire composition of one of the Large Landscape prints and it does so in reverse, as though the drawing had been created as a design for the engraving which would have been reversed in the printing process (Fig. 7). In addition, it appears unfinished; a large section of the foreground has not been filled in and there are a few minor differences with the final print. It was meant to look like an intermediary preparation sheet that Bruegel might have produced before he created the final design for the print. This piece seems to have been created in order to have been passed off as an original by Bruegel. Furthermore, it throws the entire Master of the Mountain Landscape group into a new, unflattering light. Were all the small "unfinished" sketches also meant to pass as Bruegel originals? Were they not just "taken" to be the sketches he made in the Alps but deliberately made to create that impression? If the latter, one wonders whom, in fact, the creator of these drawings intended to fool since the sheets do not bear a signature and only someone knowledgeable about Bruegel's drawings and prints would comprehend the basis for the attribution.

A more obvious attempt at fakery is exemplified by the *Rocky Landscape with Castle and a River* (Fig. 8), one of another group of drawings removed from the Bruegel corpus by Mielke.[11] This sheet, like the others, is relatively small and almost naïve in style and composition when compared with actual drawings by Bruegel and even those given to the Master of the Mountain Landscapes. Mielke attributed them convincingly to Jacob Savery. Savery used short airy modeling, often without outlines, and loosely traced zigzag hatchings on the rocks, bushes, and trees. The figures are relatively large in the landscape and almost doll-like in appearance.

10 Christopher White, "Pieter Bruegel the Elder: A New Alpine Landscape Drawing", *Burlington Magazine* 105 (1963), pp. 560–63. Mielke 1996 (op. cit. note 2, no. 25) considered it a faded drawing by Bruegel that was reworked by another hand; however, the entire drawing seems to have been executed by one hand and no faded elements are visible. It was included in the Master of the Mountain Landscapes group in the exhibition in Rotterdam and the Metropolitan Museum 2001 (op. cit. note 5, cat. no. 125).

11 Hans Mielke, Review of *L'époque de Lucas de Leyde et Pierre Bruegel*, by Karel G. Boon (Florence-Paris 1980–81) in *Master Drawings*, 23–24 (spring 1986), pp. 75–90; Mielke 1996 (op.cit. note 2), nos. A21–45, and Orenstein ed. 2001 (op.cit. note 6), pp. 276–77 and cat. nos. 126–129.

Figure 8. Jacob Savery, *Rocky Landscape with Castle and a River*, ca. 1590, pen and yellow-brown and darker brown ink over black chalk, 19.2 x 31 cm. Staatliche Graphische Sammlung, Munich, inv. No. 1092.

This sheet and others in the group are prominently signed with Bruegel's name and with dates in the 1560s (in the upper center on the Munich sheet: *bruegel 1562*). Either by pure luck or, as seems more likely, by intention, Savery dated the sheets to the exact span of years in Bruegel's *oeuvre* for which there are no known landscape drawings. As a result, although they are far less stylistically convincing than the Master of the Mountain Landscape drawings, they formed a large consistent group that came to represent for scholars Bruegel's landscape style of that period. Whether this gap in Bruegel's *oeuvre* existed when Savery made these drawings is hard to say but filling a gap for which no known stylistic comparisons exist is an obvious method of a clever forger. Could they nevertheless have been created, like Goltzius's work, merely as displays of virtuosity and taken by later scholars as Bruegel originals? The sheer number of them, about twenty-five, would argue against their having been meant as a clever experiment. They instead seem to have been a successful enterprise on Savery's part. Savery took a different approach than the Master of the Mountain Landscapes in imitating Bruegel. He adopted the imagery of the broad alpine vista with river that winds into the distance, typical of the artist, but did not work in pieces of actual Bruegel imagery as the Master of the Mountain Landscapes had done to lend credibility to his drawings. Savery instead relied on the addition of the signature and date to make his imitations convincing. In the end both approaches worked far better than their authors may have expected.

In conclusion, Bruegel's landscapes not only exercised a strong influence on subsequent sixteenth and seventeenth-century imagery but they also inspired direct imitators and followers soon after his death in 1559. As a result the landscape drawings have presented scholars with some of their thorniest attribution issues. Certain works appear to have been created with the specific intention of faking works by the master, and some of these remained accepted in the artist's *oeuvre* through a good part of the twentieth century. Ironically, in their apparent attempts to fool contemporaries, the Master of the Mountain Landscapes and Jacob Savery hit exactly on those traits that present-day scholars look to in attributing works – signatures, dating, and function of the sheets. Thus, such examples may enlighten us as much about seventeenth-century connoisseurship as they do about that of recent times.

Savery "relied on the addition of the signature and date to make his imitations convincing."

ART, GOLD AND SLAVE LABOR: THE U.S. GOVERNMENT'S EFFORTS ON BEHALF OF HOLOCAUST VICTIMS

AN *IFAR EVENING*, TUESDAY, JUNE 24, 2003

STUART E. EIZENSTAT*

Stuart E. Eizenstat, *IFAR Evening*, June 24, 2003.

EDITOR'S NOTE: The following article is an edited version (including the Q & A) of Stuart Eizenstat's *IFAR Evening* talk on June 24, 2003. Ambassador Eizenstat, who was in charge of the Clinton Administration's Holocaust restitution efforts, has published a personal account of those efforts: *Imperfect Justice: Looted Assets, Slave Labor, and the Unfinished Business of World War II*. He expanded on that topic for IFAR and, for the first time in public, attempted a "report card" on progress toward fulfilling the art restitution principles he negotiated at the 1998 Washington Conference on Holocaust-Era Assets.

Belated justice for the owners of Holocaust-era looted art almost magically leaped onto the world agenda five decades after the end of World War II, as I discussed in my recent book *Imperfect Justice: Looted Assets, Slave Labor, and the Unfinished Business of World War II*. But despite a great leap forward, we are at risk that the momentum generated by the art restitution principles I helped negotiate with over 40 countries at the 1998 Washington Conference on Holocaust-Era Assets will be dissipated. The art world has changed profoundly due to our work. But we cannot drop the ball now that we have come so far.

My book is an improbable story of how fifty years after the end of World War II, justice was provided to long forgotten victims, Jewish and non-Jewish, of not only the greatest genocide in history, but the world's greatest robbery. Those who placed their assets in Swiss bank accounts to keep them out of Hitler's clutches and were never able to recover them after the war. Those who were forced into slave and coerced labor at the hands of Austrian and German companies and were never compensated. Those whose artwork and other properties were looted and never restituted. Those whose insurance policies were taken and never paid. And more broadly, those whose entire civilization was uprooted. It is a story of how some of the world's biggest corporations were held accountable for their actions 50 years later. It is a tale of political intrigue, of diplomacy at the highest

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levels, including our President, and a colorful cast of characters, who would do justice to a Shakespearean play.

BACKGROUND

It started for me on a typically wet, dreary January day in Brussels in 1995, when I was U.S. Ambassador to the European Union and I got a call out of the blue from Richard Holbrooke, then Assistant Secretary of State, and, later, our UN Ambassador. He asked if I would undertake a limited mission of a few months to try to help the reemerging religious communities in the former East Bloc recover communally owned property, with the conversion of Communist states into democracies. The property included churches, synagogues, community centers, schools, even cemeteries, so that these reawakened religious communities, which were unable to practice their religion during the Communist era, would have the physical infrastructure to rebuild their shattered communities.

I did not immediately accept. My staff in Brussels was passionately opposed to my diverting energy from an already full-time job of dealing with European–U.S. differences. Moreover, my fellow Ambassadors in Europe, to say the least, were not enthusiastic about my intruding on their turf on an unpopular issue. And yet, I disregarded this advice, and started down a road which took not just a few months but six full years and affected the lives of millions of victims of World War II.

There are two reasons why I rejected what seemed like sound advice. The first is a very simple and basic one: if you are in public service, you owe it to the public you serve to do what you are asked to do, even if it is an additional burden.

But there was, I have to admit, a more personal reason. I grew up in Atlanta in a very Jewish household in which my father and both uncles served in World War II and both sets of grandparents were from Eastern Europe. Yet, not once did I ever meet a Holocaust survivor, nor ever hear the Holocaust discussed, nor ever study the Holocaust. Indeed, there were no courses on the Holocaust in the 1960's in American universities because it was not considered a fit topic for academic study.

That being the case, what was grabbing me about this request from Holbrooke? In 1968, I was working in Hubert Humphrey's presidential campaign, and I met a fellow Humphrey campaign worker, Arthur Morse, who had just published a path-breaking book, *While Six Million Died*, about the acquiescence of President Roosevelt and his top aides in the knowledge of the genocide that was occurring. I talked to Arthur about his book; it had really a profound, almost a shocking impact, on me. I grew up in a household in which there were three worlds, as we used to joke. There was, in Yiddish, die velt (this world), yenne velt (the world to come), and Roosevelt! He was really a deity, and hearing this about him was a profound shock. I said to myself that if I ever have a chance to serve in a capacity to remove a moral cloud from a country that did so much to win the war but so little to help its victims, I hoped I would take that opportunity.

Some years later, I had another epiphany with respect to the Holocaust and that was a meeting with Jan Karski, a remarkable Polish diplomat. Karski was one of the righteous gentiles from Yad Vashem, and if any of you saw the wonderful movie *The Pianist*, it will give you a particular appreciation for Karski's courage. He was a leader in the Free Polish Government in safe exile in London. Yet he twice risked his life to go into the Warsaw Ghetto so he could bear witness to leaders in the West. He told me of his encounter with F.D.R., in which he poured out his heart about what he had seen with his own eyes. F.D.R. listened impassively, and said "I want you to present this important story to my confidant, Felix Frankfurter, the Justice of the Supreme Court, and I'll listen to Frankfurter's advice." So Karski trooped over to Frankfurter's apartment, repeated his story, and the great jurist, according to Karski, turned his back, listened, paused, and then addressed him as follows: "Mr. Karski, I'm not suggesting you're lying, but I choose not to believe you." That in many ways was the

attitude the government took during the war, and it barely improved after the war.

Our negotiations with the neutral countries – Switzerland, Turkey, Spain, Portugal, and Sweden – to get back German assets for the benefit of refugees, were desultory and unacceptable in terms of any substantial recoveries of money. Immediately after World War II, those who tried to return to their native countries – Poland, Lithuania – to recover their homes, their businesses, were driven off, even killed. Others, some 50,000, were trapped by the British in camps in Cyprus and were barred from going into Palestine. And hundreds of thousands drifted aimlessly into displaced persons camps, controlled by a U.S. military that was an amazing fighting machine but unprepared for keeping stateless refugees. Conditions were so deplorable that President Truman's own envoy, Earl Harrison, on a tour of the camps, said: "Mr. President, the Germans must think we are continuing Hitler's policies. We don't exterminate the Jews but we keep them under the same conditions, except it's our army rather than the SS."

"... when Bronfman presented this issue to D'Amato, it was like political manna from heaven."

When the Cold War came with the Berlin Blockade and the Soviet occupation of Eastern Europe, it extinguished any remaining embers of energy to deal with refugees. All of our energies were focused on building the Western alliance to combat the new Soviet threat. And so it appeared that the fate of victims would drift into the mists of history, gone forever.

When I came into the Carter White House as the chief domestic advisor, I brought with me the Karski and Morse experiences. And so, in 1978, I recommended the creation of a presidential commission to suggest a permanent memorial to Holocaust victims, headed by Elie Wiesel, who not coincidently wrote the foreword to my book. The commission's recommendations became the U.S. Holocaust Memorial Museum.

The next year, 1979, saw the beginning of a new and troubled era with the first radical Islamic revolution that began when Ayatollah Khomeini came out of exile in Paris, went back to Tehran, and the Shah abdicated his throne. At that time, there were over 100,000 Iranian Jews, Bahais and Christian believers, who felt threatened by the new, radical Islamic regime. The Jewish community was, literally, the oldest, continuous Jewish community in the history of the world, dating back 2,500 years to the destruction of the First Temple. And tens of thousands of Jews and Bahais and Christian believers came to our Consulates – in Vienna, in Rome, in Bonn – seeking visas to come into the United States, only to be told "there's no status, go back to Iran." And when this was brought to my attention, it rang bells. This is what I had heard from Morse and from Karski about fleeing refugees in World War II. And so President Carter created, at my suggestion, a new visitor's visa – normally they are time-limited and require the visitor to go back to their country, which these people obviously could not do – which would expire only when the Shah of Iran was returned to his throne, which has not happened yet. There are now 50,000 people living in the United States as a result.

But these are sidelights to three events that really brought the issue of justice for victims back on the agenda after five decades. The first was simply the fact that victims were coming to the end of their own life cycle. They finally felt it was timely to tell their story – stories they often kept hidden even from their own families, to reconnect with the assets that were lost.

At the same time, the Cold War ended. People who had been trapped behind the Iron Curtain were able to travel. Archives were opened, and people began to plumb what I call in a subtitle to the book the unfinished business of World War II. And at the same time, in 1995, when I was in Brussels, there were fiftieth anniversary celebrations of World War II events – D-Day, the Battle of the Bulge, and the end of the war in Europe itself.

This spurred journalists to do a fifty year retrospective – what had happened and what had not been discovered? One young journalist from the *Wall Street Journal*, Peter Gumbel, wrote an article about a subject no one had known about, namely dormant Swiss bank accounts. These were accounts that had been

created between 1933 and 1945 to shield assets from Hitler's onrushing armies, but the money had never been returned. Gumbel gave a very compelling human face to that story – Greta Beer, an elegant lady who now lives in Boston, and who had spent four decades trudging through the snows of Switzerland, trying to get her father's bank account only to be told, like so many others, there was no record or there was no death certificate available. Auschwitz had not, conveniently, provided one.

When I read that story, I called Holbrooke up and I said, "You have got me involved in this issue of communal property restitution, this seems somewhat related, how about if I go to Switzerland and inquire about it?" And he agreed. I was not the only one who read it. It was also read by the powerful head of the World Jewish Congress, Edgar Bronfman, looking for an issue to raise the visibility of the World Jewish Congress. He was already working with me on property restitution in Eastern Europe. Bronfman was a very strong financial and political supporter of President Clinton, got him activated, and gave me momentum. But he was also, ironically, a major constituent in New York of Alfonse D'Amato, a colorful Republican Senator, who was the bitter enemy of Bill Clinton at the time, holding hearings trying to pin the Whitewater Savings and Loan scandal on Bill and Hillary Clinton. D'Amato, who was facing a very tough reelection campaign, represented the largest Holocaust survivor population of anywhere in the United States. He was desperate for a winning issue because every hearing he held on Whitewater lowered his standing in New York and elevated the President's.

And so when Bronfman presented this issue to D'Amato, it was like political manna from heaven. It was a godsend. He pivoted 180 degrees: out went Whitewater, in came the Swiss banks, for a celebrated set of hearings at which Greta Beer, Bronfman and myself testified. We were now off-to-the-races.

In our litigious society, any time there is controversy, there are lawyers and lawsuits. There were a discordant group of class action lawyers who sued the Swiss banks. They were so contentious that the attorneys could not sit in the same room with each other, let alone negotiate with the Swiss banks. I was cast into the role as mediator and ringmaster in what became a three-ring circus. The Holocaust restitution issue was brought front and center in ways it never would have been had I simply been going property by property trying to get churches and synagogues back to religious communities.

"They were so contentious the attorneys could not sit in the same room with each other, let alone negotiate with the Swiss banks. I was cast into the role as mediator and ringmaster in what became a three-ring circus."

Events unfolded, literally, like peeling back the layers of an onion, one discovery rapidly leading to another, one lawsuit to another, one negotiation to another, until six years later, in the dying moments of the Clinton administration, figuratively and literally, not the few months that Holbrooke had promised, we looked back at an improbable set of accomplishments – thousands, literarily thousands, of religious properties returned to these reawakened religious communities.

NEGOTIATIONS

When I first went to Switzerland, I presented Peter Gumbel's article to the Swiss Bankers Association in Basel, and said, "Tell me, is this true? I mean, these dormant Swiss bank accounts, is this a true story?" "Absolutely. We've researched it ourselves and there are 775 accounts, and we're going to return every nickel in those accounts." Four years later, after a commission was appointed, headed by

Paul Volcker, the former Chairman of the Federal Reserve, which charged the Swiss banks $200 million in audit fees, there were not 775, there were over 20,000 of a possible population that may be as high as 54,000.

We got $8 billion in class action settlements from Swiss banks; German and Austrian slave-labor employers, insurance companies, and banks; and French banks. This was the first time in the annals of warfare that private corporations were held accountable for their participation, directly or indirectly, in genocide. Bank profits have been disgorged from the forced Aryanization of property; property is being returned through claims processes. Insurance policies are being paid at 10 times their face value to take into account the passage of time. I'll talk about art in a minute.

Each negotiation had its own set of actors and its own character, but more importantly, each spoke volumes about the ability of the countries with whom we were dealing to come to terms with their past. And that is why the first of these negotiations with the Swiss was so difficult, so emotional, so contentious. Because, in their own eyes, the Swiss were the pristine neutrals, neutral officially since 1815, neutral in fact as well. There is no question that the Swiss people were virulently anti-Nazi, manning the tunnels and the Alps to keep the Germans out. But at the same time, their government was playing a very different game. It was their government which recommended to the German government, not the other way around, the "J" stamp on German passports so that they would know which refugees to keep out of Switzerland. And it was their central bank, more significantly, which was the financier for the Third Reich. How did Hitler finance a war effort, which came perilously close to success, with a worthless currency? He did it by stealing the gold bars from the central banks of the countries he occupied and by stealing rings, bracelets, and gold fillings from the victims and smelting them down into disguised gold bars to make it appear as if they came from the German central bank, and then, in today's terms, laundering it through the Swiss National Bank. The Swiss central bank knew about this as early as 1941, and was told repeatedly by the U.S. not to continue to engage in this practice, but it converted that looted gold into the hard currency, the Swiss francs, which permitted the Germans to buy from other neutral countries the ball bearings, tungsten, hardened steel, and cobalt that sustained their war effort. After the war, to compound the injury, instead of returning the looted gold and the substantial German assets in their possession, the Swiss negotiated for six long years – our own negotiator Seymour Ruben, who just passed away a couple of months ago, said they simply "wore us down" – and they returned only the tiniest fraction, which could have been used for the benefit of refugees.

So the negotiations with Switzerland were very tense, very difficult. The Swiss government never participated. It put the full burden of a $1.25 billion settlement on three private Swiss banks. The government never contributed a nickel to the settlement, and neither did the Swiss National Bank.

With Germany we faced a very different context – a country that had already come to terms with its past. But here, again, we made discoveries. We found out how the Germans manned their economy, not just how they financed the war. The Germans had 17 million men in arms in a country of 70 million. Almost one out of every two men aged 16 to 45 was in military uniform. How did they do it and still run the economy? The answer was evident when we got into it. Just as they were stealing gold from the countries they occupied, they stole the people. They moved 10 million people, forcibly, onto German farms and factories to run the war effort and free up working-age

"The negotiations with Switzerland were very tense, very difficult. The Swiss government never participated."

"For 50 years, French presidents . . . denied that Vichy France was France, that there was any lingering accountability by post-war France . . . But . . . there was a courageous French leader — Jacques Chirac, who, on the 43rd anniversary of the deportation of the Jews of Paris, said very bluntly, 'Vichy est la France'."

Germans for the warfront. And while the Germans had come to terms with their past – had paid $60 billion to Holocaust survivors, although almost nothing to non-Jews – they were never willing to pay forced and slave laborers. Chancellor Kohl said very clearly to us, "I'm sympathetic, but it'll open a Pandora's box. I don't mind paying the Jewish slave laborers, but if I do, there will be over a million non-Jewish forced laborers." He was right. We were fortunate, however, to have a Chancellor in Gerhardt Schröder who was courageous enough to face this and to contribute half of a 10 billion deutsche mark settlement from his public treasury in order to rally his private sector – Siemens, Volkswagen, Bayer, Daimler-Chrysler, and Ford and GM, who had been slave labor employers – to contribute their half. Germany, in effect, paid its dues again, this time to forced and slave laborers.

When we moved to Austria, which also employed slave labor, but had not returned businesses, apartments, and other properties as the Germans had done, we again faced a country having difficulty coming to terms with its past. Chancellor Wolfgang Schuessel in the middle of our negotiations publicly repeated what the Austrians continued to see themselves as being, and that is, the first victims of World War II – during the Anschluss – rather than its willing accomplices. There is a joke in Vienna's coffeehouses that Austria is the only country that has convinced itself that Beethoven was an Austrian and Hitler was a German!

Chancellor Schuessel deserves an enormous amount of credit, because with a very difficult public environment – one not as conditioned as the German public was to face its past, and in a coalition government with a xenophobic right-wing leader, Jörg Haider of the Freedom Party – he nevertheless came up with a billion dollar settlement, partly from his public treasury, partly from the private sector. In the process, he wrote a new and happier chapter in Austrian history.

And last, was France, proud France. I have negotiated many, many years with the French, and they are very difficult, very tenacious, and very good negotiators. I call the French chapter of the book "The French Exception" because they were exceptional. They were the only Western democracy that actively collaborated with the Germans in killing their own citizens. And then for 50 years, French presidents, from Charles de Gaulle to François Mitterand, denied that Vichy France was France, that there was any lingering accountability by post-war France for the actions of what they view as a German imposed non-French entity. But, as with Chancellor Schröder in Germany, there was also a courageous French leader – Jacques Chirac, who, on the 43rd anniversary of the deportation of the Jews of Paris, said very bluntly, "Vichy est la France." Vichy is France, Vichy was France, and we are responsible for it. That created the context in which we could negotiate settlements for French survivors and get France to act according to its best principles.

Let me close with some thoughts and then I want to deal with the art issue separately because of the audience and the IFAR sponsorship. The most

basic question: was it worth six years of effort? Scores of people on our team worked a double job (we all had another full-time job). The President of the United States was involved and had to use his credibility, frequently, particularly in the German negotiations. But I think it was worth it for the victims, not because any became wealthy from this – slave laborers receive $7,500, and forced laborers, the great majority of whom are non-Jews, receive $2,500 because their conditions were somewhat less harsh – so really the majority of the slave and forced labor money we collected goes to Eastern European non-Jews. It is not that any got a king's ransom, but all had the satisfaction of knowing that at the end of the day, and at the end of their days, someone recognized their suffering and someone was held accountable for it.

LESSONS

Let me suggest three lessons that go beyond money, art, looted assets, insurance, bank accounts and the like, and then I will double back and talk about art.

The first lasting lesson I think is simply the emergence of truth – truth about how the war was financed, how it was manned, the dimensions of the theft, the injustice for people who had waited 50 years to reconnect to what was taken from them. We tried to make the last lesson of the Holocaust not money, but memory, and we did that in a number of concrete ways. We got the presidents of Austria and Germany in their countries, in public news conferences, to apologize for their country's use of slave and forced labor. Those apologies go into every envelope of every check being sent to a million and a quarter surviving forced laborers out of the 10 million who were used during the war.

We held four international conferences, each with over 40 countries, one of which, the Washington Conference, Sharon Flescher mentioned in her introduction. These conferences were held to get countries, including the United States, which itself was not blameless in its handling of Holocaust-era assets, to face their past, to open their archives, to look at themselves. Twenty-one countries at our encouragement – from Argentina, which harbored Nazis during and after the war, to Lithuania, which actively participated in the Holocaust – have created Commissions to examine their past, to open up their archives. Interestingly, the most candid, the most honest, the most soul-searching report was not that of the United States, it was that of the Swiss and French commissions.

Going beyond that, we also created a sixteen-country Holocaust Education Task Force, from Sweden to Poland, to promote Holocaust education in the school systems, not because we wanted young kids to be exposed to the barbarities and cruelties and all the ghoulish images, but because we wanted to teach the lesson of what happens to the future when intolerance goes unchecked and when good people and good countries stand on the sidelines in the face of injustice.

A second lesson beyond the emergence of truth was the advancement of human rights. In effect, what we were doing was the civil side of the Nuremberg Trials' criminal accountability 50 years before. It was holding private companies accountable. In so doing, it has sent an important message, a shot across the bow to multinational companies investing – as they must, and I have no objection at all to this – in countries with repressive regimes – stay at arm's length from those regimes. They need to make sure they are not aiding and abetting those regimes in their violations of the human rights of their own citizens, or they will fall into the same vortex as the Swiss, Austrian, German, and French companies.

A third, and last lesson, is that in a way we created a sort of new form of foreign policy. Our negotiations were not just government to government, but involved non-governmental organizations (NGO's), as well as class action lawyers, governments, and state and local officials like New York's Comptroller Alan Hevesi, who threatened to withdraw billions of dollars of pension funds from Swiss banks and German

Figure 1. General Dwight D. Eisenhower in May 1945 inspecting looted art treasures, hidden by the Nazis in a salt mine, along with General Omar N. Bradley and Lieutenant General George S. Patton, Jr. National Archive photo no. NWDNS-111-SC-204516.

companies unless they settled the lawsuits against them. Our meetings were like a mini-United Nations.

Likewise, our cases spawned a whole new set of class action suits, which are being played out before our very eyes and which touch very fundamentally on the issues of human rights and foreign policy. Let us look at what has happened in the last year and a half since our suits were resolved. Korean comfort women have sued the Japanese in U.S. court for their forced prostitution. American POW's, still some 6,000 alive, who were captured by the Japanese and forced by Japan into slave labor, have sued the Japanese for slave labor reparations. Victims of South African apartheid have sued scores of U.S. companies who allegedly cooperated in the apartheid regime. The Saudi royal family has recently been sued for its alleged participation in the financing of terrorist activities taking American lives, and, even closer to

"Our cases were won in the court of public and political opinion, not in the court of law. . ."

home, African-Americans are now seeking reparations for their slavery 150 years ago.

A lot of these cases, quite frankly, rest on very shaky legal grounds, but so did ours. Our cases were won in the court of public and political opinion, not in the court of law, and these other cases will stand or fall on their capacity to rally public support.

I drove my team and myself unmercifully because we knew that we had a very narrow, closing window of opportunity – victims were dying at the rate of 10% a year. And I call our work and the book *Imperfect Justice* because it indeed was imperfect. It did not help those who were killed during the war, it did not help those who died between the end of the war and the beginning of our work in the mid-1990's, and, in the end, even for those who survived, there can be no final accounting for the loss of property and of dignity that they suffered.

I close my book with a saying that will lead me into the art issue. It is from a Hebrew book called *Ethics of the Fathers* (Pirkei Avoth). I think the saying sums up what all of us perhaps think about our own work: "It is not your obligation to finish the task, but neither are you free to exempt yourself from it."

ART ISSUES

Now I want to do something that I have not done before, namely, give an accounting of our own work relating to art. Let me set the stage. I call the art chapter of my book "The Barbarians of Culture." The Germans stole a staggering 600,000 paintings, of which 100,000 are still unaccounted for, and the best of which were stolen by the SS for Hitler for his Führer museum that he was going to build in Linz, Austria, where he was educated. He fancied himself,

as did Goering, Goebbels and the others, a great art connoisseur.

For 50 years, the issue of looted art was largely off the table. What we did in our work, quite frankly, was to ride a wave that others had created.

There were a group of soldiers in World War II attached to the U.S. Army who were called, in short, "Monuments Men" [officers from the Monuments, Fine Arts and Archives Services]. The art community in the United States had lobbied the U.S. government and the U.S. Army to attach them (I guess today we would say they were "embedded," as journalists have been in Iraq) to the U.S. Army in the final months of the war to try to collect, preserve, and return the massive amount of cultural property and art which the U.S. knew was being stolen.

These Monuments Men did a fabulous job. Once they identified the art, they stored it in warehouses, sorted it, and returned it to the countries from which it was taken, but not to the individuals. That's the way our law went. It was then up to the countries to return the work to the appropriate individuals. To say the least, the countries did an imperfect job of locating the owners. In some cases there were no owners left; they were all killed. So, for 50 years, these looted artworks made their way through the international art market – some were in the Louvre, and the Jeu de Paume, the National Gallery, and museums all over the world.

Several scholars helped change history – Lynn Nicholas, Konstantin Akinsha, Jonathan Petropoulos and Hector Feliciano. Connie Lowenthal, too, who is here today, was certainly one of those who helped change history by her remarkable perseverance.

In 1995, there was a conference at the Bard Graduate Center in New York called the "Spoils of War." The Russians attended. This was an enormous breakthrough because the Russians had one of the greatest treasure troves of looted art. How? Because when the Red Army was coming toward Berlin, liberating Europe, so we thought (although we certainly found out otherwise), it stole the art from the Germans that the Germans had stolen from the Jews. It also stole art from the public museums of Germany, what the Russians call trophy art, as compensation for losing over 26 million people in the war. The very fact that the Russians came to this conference was itself an enormous breakthrough. It showed that in post-Communist Russia things were beginning to change a little.

In December of 1997, at the London Gold Conference, with over 40 countries attending, at the last minute we urged the British to include art on the agenda. They refused initially, and the compromise was we could tag art on to the last piece of the conference and then talk about it at a news conference. I could also invite delegates to a Washington Conference on art the following year. Hector Feliciano, who, with the help of Elaine Rosenberg, published a book on the looted art of France [*The Lost Museum*], was the expert on our delegation. Along with the work that others had done, this helped bring this issue back to world attention.

We then began to plan the Washington Conference on Art. Sharon Flescher participated, as did Connie Lowenthal, in a June of 1998 run-up to the November-December conference.

But it was another cataclysmic event that catalyzed the museums and art dealers. That was the seizure by Manhattan District Attorney Robert Morgenthau, in January 1998, of two paintings by the Austrian painter Egon Schiele that were lent by the Leopold Foundation

"De Montebello whispered to me at the Washington Conference, 'The art world has changed forever.' He said, 'The genie is out of the bottle. The secretive world of art will have to open up.'"

in Austria to the Museum of Modern Art in New York and claimed by heirs of Holocaust survivors. The museum neglected to get the State Department designation, which they could have gotten in a minute, that would have immunized these paintings from seizure. Morgenthau seized the paintings – one of which was later returned to Austria – and litigation has continued to this very day. Two attorneys on the case are here tonight – Howard Spiegler and Stacy Rosenberg.

'But there was a critical compromise I had to make in order to get the 40-plus countries to agree to the Principles . . ."

This sent a shock wave through the art community. My God, we live on exhibitions, on sharing each others art. How are we going to deal with this? One month later, I testified, as did Philippe de Montebello, the Director of the Metropolitan Museum and, also at the time, head of the Association of Art Museum Directors' Holocaust-era Guidelines Task Force, at a hearing by Senator D'Amato's counterpart in the house, Congressman Leach, Chairman of the House Banking Committee. Leach pressed the art issue, and de Montebello basically said, "Mr. Chairman, I pledge to you that in four months the Association will have art principles to deal with this." He was a man of his word. By the early summer, June 1998, such principles had been adopted. They got U.S. museums to buy into the notion of opening archives, looking at the provenance of art, and facilitating claims.

When our Washington Conference was held in December 1998, we tried to internationalize those principles by getting other countries to buy into them. It was imperfectly done. The Washington Principles were real landmarks. De Montebello whispered to me at the Washington Conference, "The art world has changed forever." He said, "The genie is out of the bottle. The secretive world of art will have to open up."

But there was a critical compromise I had to make in order to get the 40-plus countries to agree to the Principles; I had to agree to introductory language that basically put the Principles within the context of national laws and made them voluntary. Nevertheless, the Principles had a major impact.

There are wonderful stories that I tell in the book about Holocaust families being reconnected to their art. Two very quick ones and then the report card. There was a small museum in Raleigh, NC, the North Carolina Museum of Art, which had as one of its prize paintings a Lucas Cranach the Elder painting called *Madonna and Child in a Landscape.* The museum did not have many prize paintings – this was one of them. Three months after our Washington Principles, twin sisters, heirs of a Viennese industrialist who had owned the painting and was killed during the Holocaust, claimed the work. The museum hoped beyond hope that its painting was not the same work. They could not bear to part with it. Remarkably, research uncovered the fact that an actual picture of the painting existed from 1943 because this was one of the paintings the SS had presented to Hitler and that Hitler had chosen for his planned museum in Linz, Austria. The game was up; it clearly belonged to the sisters, and the museum felt it had no choice but to return the painting. It had $600,000 in its whole bequest – walking-around-money for the Metropolitan – and the painting had been valued at several million dollars. So, what was their strategy? They got the Jewish community of North Carolina, tiny as it is, to write to the two sisters and say that we have got a nice community here, we are going to properly sign it, the painting belongs in the United States, it will be cared for here, you really do not want it back in Austria. It almost blew up the negotiations because the sisters had long since converted to Catholicism! But, nevertheless, they agreed to accept $600,000, and the painting remains in North Carolina.

The second story involves Elaine Rosenberg whose father-in-law, Paul Rosenberg, was one of the great collectors of art in Europe in Paris in the pre-war period. He had wonderful Impressionist paintings. When he learned that the Germans were approaching Paris, he dispersed the art and then – having survived the war and moved to New York – spent the balance of his life trying to relocate that art. He found many works, but not all. Elaine has spent the balance of her very productive life trying to find the rest. She befriended Hector Feliciano as he was writing his book about looted French art, which included photographs of some of Paul Rosenberg's paintings. Feliciano gave Elaine and her daughter, Elizabeth, a copy of the book as a "thank-you." Elizabeth went on vacation with the book. Being a friendly person, she introduced herself to a person at the cabin next door. He said, "I've always been interested in art, do you mind if I thumb through your book?" And, then, stunned, he said, "I don't believe it. This painting in the book belongs to my grandmother in Seattle, and she's just donated it to the Seattle Art Museum." Elizabeth said, "Oh no, it belonged to my grandfather." They were both right. In the end, the painting was returned to Elaine.

"Privacy laws make it very complicated to do research. So we need to do more to encourage the opening of archives . . ."

REPORT CARD

Now the report card, because all the stories do not end so happily. I am basing much of this on material that I have been provided by Anne Webber of the Commission for Looted Art in London. There were eleven Washington Principles of art, which I negotiated in 1998, that fell essentially into three groupings:

1. All public museums had to undertake research to identify looted works of art and gaps in provenance;
2. Research had to be published and made widely available; and,
3. Collections of looted art had to develop fair and just claims processes.

On the issue of researching provenance since the Washington Conference, the research has been uneven and selective. Some countries and museums have conducted admirable research; these include federal museums in Austria, many in the Czech Republic, some in Germany, Canada, the UK and many museums in the U.S. But many others have undertaken either only superficial or no research at all. Taking Germany as a typical example, museum personnel have said they have no resources and insufficient staff to carry out their work. Very little provenance research was carried out until very recently, and virtually none was published.

Only about 5 or 6 countries out of the some 40 countries who ascribed to the Washington Principles have done any serious research. Twenty-nine have done virtually none or none at all, including, by the way, Israel itself. So we have a very uneven situation, with only six countries doing any significant research. Therefore it is important that all countries be urged to undertake research of provenance from 1933 to today, using the widest definition of cultural property to include libraries, archives, books, as well as art.

In terms of publishing the provenance research, that also has been very indifferent. Some has been published on the Internet – countries have published on different sites, but the sites are in different languages, with different designs. It is virtually impossible for a person to search through 20, 30, or 40 different Web sites. Germany is an example where 20 museums have published their provenance research, but they have only provided limited information. Some have not published photographs of the paintings, so it is very difficult for people to identify their art. It is important that countries publish according to a common standard.

Third is access to archives. Here again, there is a disappointment. Access to art trade records is essential for families wishing to document or make a claim. The Confederation of International Art Dealers (CINOA) committed itself at our Vilnius Forum, in October of 2000, to provide records on particular works of art when requested, but the commitment has largely been ignored. Countries from Italy to France to Belgium basically do not allow their archives opened. Privacy laws make it very complicated to do research. So we need to do more to encourage

the opening of archives and to get art trade dealers to make their records available as well.

One of the other Washington Principles was the creation of a single database, a central registry, so a family could go to one place, rather than multiple different sites. Here there is good news. In December of 2002, a private group called the Central Registry of Information on Looted Cultural Property, based at Oxford in England, developed a state-of-the-art information management system, a single searchable database and searchable information systems. But it is woefully under-funded, and it is important, I think, that this become the internationally recognized central registry, backed by governments, by NGO's, and by international organizations. Governments should contribute to the funding of it. Perhaps we can broaden its board, which already includes leading experts, to include government officials.

"I do not know whether this rates a C+ or a B-, but it certainly does not rate an A. And it does indicate that unless there is continued pressure by the U.S. government, which has been non-existent over the last several years in the Bush Administration, countries will simply let this issue fade away."

Next is assisting heirs. One of the Washington Principles was "Proactively assist heirs." This is simply not being done. Virtually no countries have any active effort to help identify and assist heirs. Austria has perhaps done the best job of this. Basically, a number of countries, including the United States, simply leave it to heirs and claimants to help themselves. They publish data in some cases, but do very little beside that. One particularly frustrating example, which also relates to the voluntary nature of the Washington Principles that I had to agree to, concerns Claude Cassirer in San Diego, California. His grandfather owned a famous Pissarro painting. He showed me the picture of the painting in his grandfather's living room. It is unmistakable. Over a course of 50 years, the painting made its way into the Thyssen-Bornemisza Museum in Madrid, and the Spanish simply refuse to give it back. They say it is not a public museum so they are not bound by the Principles, even though the funding, the building, and everything else are public. The board has public members. They say, in any event, the Principles are voluntary; if you want to sue us, sue us in Spain. So we need more visibility of such matters.

It will be interesting to see what the Russians will do. They have just begun to open their archives, to publish Web sites, to promulgate a law, which allows claims for art taken from individuals, although not for trophy art taken from museums. Russia may have the largest collection of looted Holocaust-era art, taken by the Red Army at the end of World War II from the Germans, who in turn stole it from Jewish individuals and institutions. Unfortunately, notwithstanding a law passed by the Duma and signed by President Putin, and a MOU signed by the Russian Minister of Culture and Ronald Lauder, on behalf of the Commission for Art Recovery that he heads, the law has not been fully implemented. While a Web site has been created, materials on the looted art have not been published in the official Russian registry to trigger the claims period. The materials have been published only in Russian, and there is no common index to connect the various collections listed.

So there is progress, but again, to close, it is imperfect at best. I do not know whether this rates a C+ or a B-, but it certainly does not rate an A. And it does indicate that unless there is continued pressure by the U.S. government, which has been non-existent over the last several years in the Bush Administration, countries will simply let this issue fade away.

more ➔

Hector Feliciano (left) speaking with Drs. Babette and Marc Weksler

Stuart Eizenstat and Eric Kaufman

AN *IFAR EVENING* with STUART E. EIZENSTAT

Left to right: Lawrence Kaye, Lucille Roussin, Howard Spiegler, and Alexander Shapiro

Judith Hernstadt

Jonathan Bloom (left) and Roy Kaufman

Cynthia Reese holding
Stuart Eizenstat's book: *Imperfect Justice*

Dr. Howard Charles Yourow and Sandra Canning

Henry Luce III and Sharon Flescher, Executive Director, IFAR

Left to right: Jack Josephson, Chairman, IFAR,
Constance Lowenthal, and Herbert Hirsch

Lawrence Kaye (left) and Hector Feliciano

ART. GOLD AND SLAVE LABOR

Q&A

STUART EIZENSTAT (SE): Let me start the question period with a little levity. When I was in the Carter White House, I worked with a very colorful, populist senator from Louisiana, who just passed away, Russell Long. His father was the even more colorful kingfish in *All the King's Men*, Huey Long. Russell recounted the following story to me. When he, Russell, was just a young lad, growing up in the Governor's mansion, Papa came home, stone cold drunk, staggered up the stairs, and with great difficulty, finally got a shaky hand and the keyhole with the key to align, and he opened the door. Russell, on the other side of the door, holding onto Mama's apron strings – his mother and the governor's wife – sees Papa collapse in the foyer. With Mama sternly looking down for an explanation as to how this state of affairs could have occurred to the governor of the great state of Louisiana, Papa, without any pause, said, "Mama, I've completed my prepared remarks, and I'll now take questions from the floor."

So, in a very different state, I'll take questions from the floor.

Q I read your very expert book. Could you comment on the help or lack thereof of the class action lawsuits? Or to put it another way, could this have been accomplished through government to government negotiations?

SE: Had there been government to government negotiations, I doubt we would have achieved the same result. In fact, it is not clear that the governments would have gotten involved at all. This is the interesting paradox because I have probably more scars on my back from the class action lawyers than I do from the foreign governments, or at least as many. The lawyers were very difficult, sometimes outrageous in their demands. They did things like publish full-page ads in the *New York Times, Wall Street Journal* and *Washington Post* during our German negotiations, threatening the German companies. One, for example, with Bayer, the maker of aspirin, said: "Your company is going to get a real headache unless they settle these cases." More seriously, they got Alan Hevesi, then the Comptroller of the City of New York, now State Comptroller, to organize 800 public finance officials around the country, who controlled billions of investment dollars in Swiss banks and German companies and hundreds of millions of dollars of underwriting business, to say flatly, either you negotiate with Eizenstat and settle these cases or we are going to yank our money out. If it had not been for the class action lawyers, and suits, we would not

have had the leverage to settle the cases. These companies did not suddenly, 50 years later, have a pang of conscience. But, conversely, the lawyers, without the U.S. government's direct involvement, could never have settled the cases themselves. The cases would have probably been lost in court or would have taken decades to resolve. The two major slave labor cases against German companies, for example, were dismissed by Judges Greenaway and Debevoise in New Jersey on statute of limitations and post-war treaty grounds. So, the legal basis for these cases was shaky, but the class action suits helped get the attention of all the parties – the Hevesis of the world, our own administration, and certainly the people being sued.

Q Could you comment on the U.S. Supreme Court's decision yesterday [June 23, 2003] invalidating the California attempt to make insurance companies disclose their wartime policy holders? [*American Insurance Association et al. v. Garamendi, Insurance Commissioner, State of California*, No. 02-722]

ASE: Yes. This was a very emotional and difficult case for us. It involved a German insurance company, which, in essence, sued the State of California, arguing that California's law, passed during our negotiations, was unconstitutional in requiring that they disclose all of their wartime policy holders so that people could legitimately make claims. If you do not know names, how can you make claims? How do you know that your parents or grandparents had an insurance policy? Not unreasonable.

The problem was two-fold. First of all, in order to get the 10 billion Deutsche mark settlement from the German companies, we had to pledge to them that we would do everything possible to dismiss all future cases in court, or all state actions, and funnel everybody through the claims process we had created. This included insurance claims. We created an insurance claims pot of about $275 million. So, to fulfill this pledge, the Bush Administration intervened, but the Clinton Administration would have done the same thing, on behalf of the German insurance companies to, in effect, void the law. The second reason the U.S. government intervened – and you can understand the emotions because we were taking a position contrary to Holocaust survivors – was that the California law violated the President's primacy in foreign policy. The President is the Commander-in-Chief; we cannot have 50 foreign policies. This case touched on a foreign policy issue. And that is what, in a 5-4 decision, the Supreme Court majority came down on. What I said in the *Washington Post* today [June 24, 2003] was that the decision was correct on both grounds, the foreign policy ground and because we had promised the Germans this, but that it should not be the end of the job. That it was now the U.S. government's job to say, "Okay, we helped you win this case, now you've got a moral obligation, which we are going to call you to task for, to publish these bloody lists and to make sure people have a claims process that works." I hope that the Bush Administration will do that. Over 300,000 policy holders have now been published following an October 2002 agreement negotiated with the German insurers and the World Jewish Congress by former Secretary of State Lawrence Eagleburger, the head of ICHEIC.

Q Could you comment on the fact that a new focus for these restitution claims has been on the railroad companies in Europe?

ASE: A suit has just been filed against the French National Railroad asking for a symbolic one Euro in compensation by a French Jew whose parents were deported – and later killed – using the French railway, on the ground that the railway full well knew the fate of the people they were putting in their boxcars. This suit was brought in France, not in the U.S., and will be governed by French law. It will be interesting to see how that comes out. I am very dubious that the French government will involve itself in any way in settling this.

There is also a suit against the French railway in the Second Circuit (in New York). On June 13, the Second Circuit reversed the dismissal of the case by the district court and asked the lower court to examine certain sovereign immunity issues. I am not optimistic this case will succeed. As to arguments on the statute

of limitations made in some of these cases, I have to tell you my own belief is there should be no statute of limitations for Holocaust claims and that, even if there is, the statute is, as we say in legal terms, tolled because there is a continuing effort not to deal with this and to cover it up. But it is not at all clear to me that the courts will honor that.

Q A small number of Holocaust survivors have hesitated to make claims and have even questioned the appropriateness because this would perhaps stimulate increased or renewed anti-Semitism in the European countries. Has that been a problem?

ASE: That is a very good question. Let me try to answer it in this way. First of all, there are clearly a small minority of survivors, even in the United States, having nothing to do with anti-Semitism, who simply cannot get themselves to accept what they would consider guilt money from companies or countries that performed such beastly acts on them. It is just not in them. They have not sued, and they are not going to do it now. That is a very small minority but they do exist. And I frankly urge those people not to let the companies off the hook. Take the money and donate it to charity if you want.

Second, regarding concerns about anti-Semitism, France is a very good example. Let us take the French looted art. They have posted a Web site with a couple of thousand pieces of looted art that were in the Jeu de Paume, the Louvre, and so forth. Most of that is going to be unclaimed. The families were killed, and there are no heirs. So whom does it belong to? What happens to heirless art? This is a problem we tried to tackle at the Vilnius Conference. We were not successful. Collette Avital, who was the Consul General in New York for Israel, attended that conference and claimed that the Israeli government was the constructive trustee for those Jews whose art was taken. The French and others said this is not so; Israel has no legal standing, etc. The fate of heirless looted Holocaust era art remains uncertain.

The French Jewish community made the decision, I think in part because they were concerned that to do otherwise would increase anti-Semitism, that they were not going to claim the art on behalf of the deceased French Jews, even though there is a Jewish art museum that has been recently opened in Paris. So, what will happen to that heirless art in France is that it will go back to the museums, but with proper signage saying this work was taken from an unknown, or perhaps even a known, family killed in the Holocaust and describing the circumstances.

This begs the broader question, which is another evening's talk, but give me just a minute to talk about it now. Which is, if we have done all this to try to get countries in Europe to face their past, how come there seems to be anti-Semitism in Europe today? I will give you the briefest of answers. It is a very difficult and complicated process. I just came back from Brussels where I tried to explore this. Number one, the actual anti-Semitic incidents – the torching of the synagogues and defacing of cemeteries and so forth – is 99.9%, if not 100%, by angry Muslim young people. That does not excuse it, but it is a different phenomenon. Muslims are 10% of the Belgium population; 8% of the French population. Second, that is too easy an answer. When we see labor unions in Norway saying they are not going to offload Israeli products or we see academics in Great Britain threaten to boycott – I am Chairman of the Weizmann Institute in Israel – to boycott Israeli universities and not allow scientific exchanges and exchange of papers and the like, then we have a different and a more serious phenomenon. I think it indicates that a latent anti-Semitism remains in parts of Europe; I do not want to say by any means all of Europe. That is serious. That is not to say that Israel should be exempt from criticism. There is no country, including Israel, whose policies should be exempt. The question is: is it fair to create a pariah state out of Israel, and that is what some in Europe are improperly doing. That is unrelated to our negotiations. There is no question in my mind that, with the exception of Switzerland where I have to admit our negotiations absolutely increased anti-Semitism, that that was not the case in other countries.

COURTS HAVE THEIR LIMITS IN AUTHENTICITY DISPUTES

FRANKLIN FELDMAN*

The mixture of art and the law is still not soluble. Basic principles of law – known to law students as hornbook law – still lead to incongruous results as applied to art disputes, particularly where authentication is the critical issue.

The recent affirmance by the United States Court of Appeals for the Second Circuit in *Boule v. Hutton, et al.* well illustrates the point.[1]

The facts are relatively simple: The plaintiffs, Rene and Claude Boule, husband and wife, brought suit against the defendants, Mark and Regina Khidekel (also husband and wife) and the Hutton Galleries (a prominent dealer of Russian avant-garde art) claiming that the statement made by the defendants, asserting that the paintings owned by the plaintiffs were not authentic ones painted by Lazar Khidekel, the father of defendant Mark Khidekel, were false and accordingly damaged the financial interests of the plaintiffs. The lower District Court (138 F.Supp. 2d491[2001]) held that, although the testimony of Mark Khidekel was perjurious in denying that he had previously furnished certificates of authenticity to the plaintiffs, the plaintiffs could not prevail because they had not "carried the burden of showing that the paintings were authentic, that is by Lazar Khidekel."

Lazar Khidekel was born in 1904 in Vitebsk, Russia and joined the Suprematist School of Russian avant-garde artists in the years following the Russian Revolution. In his youth, Khidekel studied with Chagall and Malevich and late in life became a prominent architect. The artwork in his possession upon his death in 1986 became the property of the defendants, Mark and Regina Khidekel.

The plaintiffs Boules are Parisian art collectors who own a number of works from the Russian avant-garde period. Claude also published a scholarly work on Russian Constructivism. In the late 1980s the Boules and the defendant Khidekels became friends, and in 1991, in exchange for approximately $8,000, Mark signed certificates of authenticity in Paris for sixteen of the paintings he selected from the Boules' collection.

Subsequent to this exchange, there clearly was a falling out

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[1] *Rene Boule and Claude Boule v. Ingrid Hutton, Leonard Hutton Galleries, Inc., Mark Khidekel and Regina Khidekel,* 328 F. 3d84 (2nd Cir.2003).

between the two families. In a show of Khidekel's work by the Hutton Gallery, the defendants stated in the Hutton exhibition catalogue that the Hutton show represented the first-ever display of Khidekel's work. This was stated although the Boules had previously exhibited works of Khidekel at the Joliette Museum of Art in Montreal, Canada and galleries in Canada, of which Mark and Regina Khidekel were aware and, in fact, Mark had expressed an interest in lecturing at that museum in conjunction with the exhibition. Further, Hutton had arranged for the Khidekels to be interviewed for an article in *ARTnews* claiming that the Boules' paintings were fraudulent, and in a subsequent article in *Le Devoir*, a Montreal publication, Regina Khidekel was quoted as saying that "neither she nor her husband ever authenticated anything and the certificate in the possession of the Boules was forged."

As a result of the Court of Appeals affirmance of the District Court decision, one conclusion is compelling. As a result of not carrying the burden of proof, the plaintiffs' work is deemed non-authentic, and implicitly the work possessed by the defendants is to be regarded as authentic. The plaintiffs were not able to prove the positive – i.e., that their works are authentic, but the defendants were not required to prove the negative – i.e., the plaintiffs works are fake. Nor were the defendants required to prove that *their* works were authentic or that their works represented all of the Khidekels known to exist. The defendants were only required to demonstrate that the plaintiffs had not carried the burden – a burden imposed on a plaintiff to prove by the preponderance of the evidence that each material element of his claim is true.

There are many intriguing ramifications to the case. First, what evidence would have been required for the plaintiffs to prove authenticity? Did they have to produce a bill of sale for the purchase and, if so, from whom? Would the person who purported to sell the work to the plaintiffs be required to testify that the bill of sale was executed by him and that, in turn, he had acquired the work from a third party, who would also be required to be produced at trial? What payment receipt must be shown? A credit card is obviously not a possibility. Is a check realistic? And what about a cash receipt?

Testimony by experts is of course important – and indeed it was produced – but in a battle of experts, who is to be believed? And, naturally, in the case of a deceased artist the person who might be the most credible witness – the artist – is not available. Indeed, even if the artist is alive, his testimony is not always credible. See, for example, the case of *Arnold Herstand & Co. v. The Gertrude Stein Gallery*,[2] where the artist, Balthus, refused to testify as to the authenticity of a drawing sold by his former mistress, with whom he had apparently an unfortunate experience.

There are some issues in life that the law properly views as non-justiciable. For example, as a taxpayer, I would have no standing to argue that the amount of the federal budget going to pay for military defense is inappropriately high and the amount going to the National Endowment for the Arts should be increased.

So with authenticity. One need look no further than the recent experience of the Metropolitan Museum of Art with a number of Rembrandt paintings. At one time, they were deemed authentic; but subsequently, not. And, of course, experts disagreed and, in fact, changed their minds.

In short, with respect to the question of authenticity of works of art, the burden of proof test is faulty. As an illustration: Suppose that the Boules, having lost this case, now place an advertisement in *ARTnews* (or other publication) stating that the work in their possession is authentic, that the Khidekels have lied in Court concerning the authenticity of their work or that the works owned by Mark and Regina Khidekel represent the only Lazar Khidekel paintings in existence, and that the assertions of the Khidekels and of Hutton as to the authenticity of their work is not to be believed. As a result of the advertisement, the Khidekels and Hutton now

[2] *Arnold Herstand & Co. v. Gallery: Gertrude Stein, Inc.*, 53309, Supreme Court of New York, Appellate Division, First Department, 211 A.D.2d 77; 626 N.Y.S.2d 74; 1995 N.Y. App. Div. LEXIS 4583, April 27, 1995, Decided, April 27, 1995.

sue the Boules for libel, slander, defamation, or whatever. Now, the Khidekels and Hutton have the burden of establishing the truth of each allegation in the complaint. Can they meet the burden? It would be difficult to believe that a judge or jury would find that the Khidekels would have met the burden of proving that their collection is the only authentic work of Lazar Khidekel.

Questions of authenticity of art should not be finally determined by legal rules of burden of proof, which depends on which party institutes the suit in court.

All rules require exceptions – and the better the rule, the more refined the required exception. In the case of authenticity, the suggestion by a court that a plaintiff has not carried the burden of proof is akin to denying authenticity. A better rule – i.e., an exception to the rule – would be for the court to acknowledge that neither party carried the burden to prove a work authentic or not, and leave the marketplace to decide paternity and quality. Very often, "I don't know" is the better, and certainly more accurate, answer. That term is not in a judge's vocabulary.

A further contrast with the applicable legal rules is revealing. Aside from the "burden of proof" rule, the law mandates that an issue once decided by a court between the parties is "res judicata" – i.e., cannot be reopened. Thus it is practically impossible to bring to the Court's attention new information, as the courts invariably rule that the new information could have been obtained prior to the earlier adjudication and therefore cannot now be introduced. Moreover, even if the Court subsequently admits that it made a mistake in a prior ruling, it will not reverse itself if the plaintiff could have brought the suit in a different court but had elected not to. Thus in *DeWeerth v. Baldinger*,[3] the Federal Circuit Court of Appeals refused to change an erroneous result it had previously reached – relating to the time limit an owner of art can sue for his stolen work – because the plaintiff had elected to institute the suit in a Federal District Court rather than the New York State Court. Such is the price of federalism!

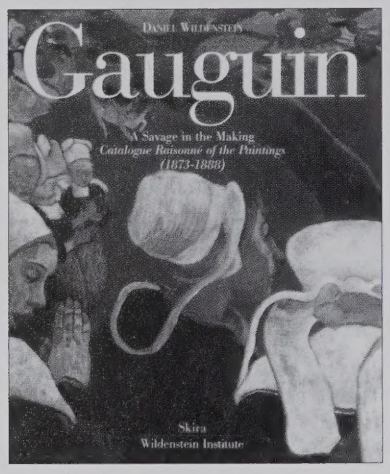
It is unfortunate that works cannot stand on their own and their authenticity not be hostage to whether a court finds that a burden of proof has been met. It is submitted that one should be willing to trust one's eye or that of an expert one can trust, rather than a court's application of a hornbook rule, to determine the authenticity of a work of art, where, certainly in the case of a deceased artist, truth can rarely be fully determined. The ability to be receptive to new information is critical to scholarly progress and certainly to determining authenticity of a work of art. It often takes a long time to be right. And, it is submitted, it has taken some time, after observing and participating in the working of the judicial process, for at least one person to have his confidence in the process eroded.

[3] 38 F.3d 1269 (2d Cir. 1994).

Gauguin: A Savage in the Making. Catalogue Raisonné of the Paintings (1873-1888)

By Daniel Wildenstein with Sylvie Crussard and Martine Heudron. 2 vols. Wildenstein Institute, Paris and Skira/Seuil, Milan, 2002. $250/£135.

NANCY MOWLL MATHEWS*



"The Gauguin catalogue goes beyond the new, higher standards already affecting the genre. It strives to be the penultimate reference book."

Daniel Wildenstein's catalogue raisonné of the paintings of Paul Gauguin, which appeared in its French version in the fall of 2001[1] and in English six months later, is the first installment in an extraordinarily ambitious revision of the original, published by his father, Georges Wildenstein, in 1964. While it won't be possible to judge the overall contribution it will make to Gauguin studies until the remaining volumes are published (the first two only cover the beginning of Gauguin's career, 1873-1888[2]), we can already see that Daniel Wildenstein's vision of the *catalogue raisonné* as an art historical tool is breathtaking, even in an age of heightened levels of research.

In the last few years, digitization has made possible many advances in this type of reference book, and they are reflected in such monumental efforts as the recent Georgia O'Keeffe, Mark Rothko, and Andy Warhol *oeuvres*. Since 1990, when the catalogue raisonné that I co-authored (the work of Maurice and Charles Prendergast)[3] appeared, perfected imaging technology has allowed color reproductions to become standard practice, and the greater ease of gathering and storing information electronically has made the entry for each work longer and more informative. But the Gauguin catalogue goes beyond the new, higher standards already affecting the genre. It strives to be the penultimate reference book, not only for Gauguin's works, but for Gauguin's life, his artistic aspirations, and his historical and cultural context. Not surprisingly, the first volumes are

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1 *Gauguin: Premier itinéraire d'un sauvage. Catalogue de l'oeuvre peint (1873-1888).*

2 No date has been announced for the remaining volumes which cover the lion's share of Gauguin's work, including his years in the South Seas, but it is generally believed that it will not be for another five years.

3 Carol Clark, Nancy Mowll Mathews, Gwendolyn Owens, *Maurice Brazil Prendergast, Charles Prendergast: A Catalogue Raisonné* (Munich: Prestel Verlag, 1990).

in themselves three times as long as the entire 1964 Gauguin catalogue.[4]

The Wildensteins' approach to the catalogue raisonné has always been broad. Georges Wildenstein published the thoroughly documented study *Gauguin: Sa Vie, Son Oeuvre* in 1958 as a prelude to the 1964 Gauguin catalogue. In recent years, the catalogues raisonnés of Impressionist and Post-Impressionist artists published by the Wildenstein Institute have been even more closely tied to contextual studies; for example, the 1996 Monet catalogue incorporated a monographic overview of the artist as the first of the four volumes. In contrast, most non-Wildenstein catalogues raisonnés tend to be restrained in regard to biographical, stylistic, or other interpretive text. For instance, the spare, elegant Georgia O'Keeffe volumes by Barbara Buhler Lynes (1999) do not include a monographic overview of any kind. David Anfam's *Mark Rothko: The Works on Canvas* (1998) has only a lengthy introductory essay. The recent Andy Warhol catalogue

"Not surprisingly, the first volumes are in themselves three times as long as the entire 1964 Gauguin catalogue."

raisonné (2002) is presented in a lively graphic design but is otherwise very traditional in cataloguing the works and allowing little else that might be construed as "interpretation."

Daniel Wildenstein, whose death at the age of eighty-four coincided with the publication of the new Gauguin catalogue, had already published a monograph on Gauguin with Raymond Cogniat in 1974. It should not be surprising, therefore, that the project that is a capstone of his life should take on all aspects of the artist, not just the cataloguing of the works. With Sylvie Crussard and Martine Heudron, who were responsible for the writing and for directing the team of indefatigable researchers, he has produced what might be called an "encyclopedia" of Gauguin.

Rather than isolating the contextual material from the catalogue of works into a monographic introduction, as had been done for Monet, this information is spread throughout the book in a variety of short formats. Biographical, stylistic, and cultural studies are woven into the various section introductions, they are incorporated into the catalogue entries themselves, and they are presented in a series of related digressions in text boxes on the same page as the entries. At the end of the second volume, the extensive biographical chronology of the artist through 1888 is punctuated with important events in the lives of Gauguin's friends and colleagues and placed side-by-side with a chronology of important cultural events of the period. The book is further enriched by the inclusion of over 1500 related images. These include photographs of relevant people, places, and occasionally things, such as a figurine similar to the one Gauguin included in *Still Life with Carafon and Figurine* in no. 171, as well as drawings and other works by Gauguin. This wealth (and welter) of information presented in an encyclopedia format works surprisingly well, attesting to the skill of the authors as well as the book's designer, who must have found it a challenge to achieve coherence and readability on every page. Putting aside for a moment the question of whether this *should* be the mission of a catalogue raisonné, the authors nevertheless succeed in what they set out to do.

Most importantly, the thoroughness of the research and, for the most part, its accuracy brings this publication to a level that far surpasses the previous catalogue raisonné. At the heart of the project is the improved catalogue of

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[4] The monumentality of the effort explains why only the first two volumes have been produced. Gauguin scholars only worry that the remaining task, to treat Gauguin's work from 1889 to 1903, is so daunting that those books will never see the light of day. Projects similar in scope have never been completed, such as Victor Merlhès's extraordinary *Correspondance de Paul Gauguin*, which appeared in 1984. It dealt only with the letters to 1888 and has never been followed by the remaining volumes of letters to 1903, much to our chagrin. Gauguin's early life and work, once imperfectly understood, is now thoroughly documented--while the later and most crucial periods remain informed only by scattered and fragmentary documentation.

the works themselves. The classic catalogue raisonné information (bibliography, exhibition history, provenance, etc.) has been fleshed out and made more reliable since the 1964 version which had been quickly challenged by Gauguin scholars.[5] New records from dealers, collectors, and the artist's family have been incorporated to give a more complete understanding of each work's history. Although there are inevitable disagreements among specialists,[6] this type of detail has allowed the authors to make better-informed decisions about authenticity and identification of works of art. Some paintings have been quietly dropped from the list while others have been re-dated. In at least one case, two separate entries in the original catalogue (W246, without a pictorial record, and W311) have now been shown to be the same work (WCH 319).

One significant structural change is the abandoning of the earlier catalogue's system of presenting works by subject matter (interiors, landscapes, portraits, etc.) within each year. The new system attempts to put the paintings in chronological order within each year as well as it can be established by documentary evidence.[7] Another is the banishment of pastels and other works on paper from the catalogue so that it can be a true record of Gauguin's *painting*. Since drawings as a rule were not included in 1964, this does not make too great a difference, but works of previously misidentified media have disappeared. One significant loss under this new separation of media, however, will come in the next volume when the important pastel *Breton Eve* of 1889 (W333, McNay Art Institute) will no longer be presented alongside the related paintings of that year.

"One significant structural change is the abandoning of the earlier catalogue's system of presenting works by subject matter . . . within each year. The new system attempts to put paintings in chronological order . . ."

Of course many new works have come to light in the intervening thirty-some years and are now happily part of the corpus. Our view of the artist is, naturally, changed by the new order and expanded *oeuvre*. We have a fresh appreciation, for instance, for the Barbizon-style landscapes of the 1870s, which show how quickly Gauguin mastered contemporary painting techniques, even without regular instruction. Gauguin's one and only Salon entry (1876), *In the Forest, Viroflay – Seine-et-Oise*, unfortunately remains unidentified,[8] but the newly visible strength of the other works from this period explain why such an unknown amateur would have received such an honor. Few beginners could get their works accepted into the Salon without the intervention of their teachers or other influential friends on the Salon jury. Since Gauguin appears to have had neither, his work must have been judged and accepted on its merit alone – a rare occurrence in that notoriously politicized process. Other works that have gained ground are those painted in Rouen in 1884, which are mainly in private collections and have

5 For instance, Merete Bodelsen pointed out a long list of errors and omissions in "The Gauguin Catalogue," *The Burlington Magazine* (Wildenstein-Cogniat) CVIII no. 754 (January 1966), pp. 27–38.

6 Vojtech Jirat-Wasiutynski, in his review in *The Burlington Magazine* CXLIV no. 1189 (April 2002), p. 239, feels that at least two works in the new catalogue are incorrectly attributed to Gauguin.

7 The changes were so abundant that the authors could not salvage the old numbering system. This will inevitably confuse the shorthand identification of works by catalogue raisonné number (W71 will now be WCH 86, for instance), which Gauguin scholars and the art market will have to pay extra attention to in the future.

8 I find it difficult to agree with the authors' suggestion that "Gauguin himself destroyed it as juvenilia." (p. 33). Gauguin had few such honors in his career and he was proud of all of them. It was more likely given to someone he wanted to impress, and it has since been lost or misattributed.

rarely been reproduced. These can now be studied more thoroughly and will yield new insights into the works Gauguin painted when he first tried to make a living from his art.

"Scholars will particularly appreciate the authors' systematic mining of the archives of French public records . . ."

CONTEXTUAL MATERIAL

While the catalogue of the works themselves will always be the most important part of this publication, the addition of extensive related biographical, stylistic, and interpretive commentary makes the book subject to evaluation on those levels as well. As a Gauguin biographer,[9] I was keenly interested in the emphasis placed on biographical information that is included in multiple sections throughout the book. Often the same or similar information can be found in the introductory essays, the chronology, the catalogue entries, and the text boxes. Although at times this seems repetitious, nevertheless it is evident that a great deal of research has been done, and scholars will now have much new documentation which illuminates the artist's life and, consequently, his work.

Scholars will particularly appreciate the authors' systematic mining of the archives of French public records for all notices of Paul Gauguin. They have brought together not only relevant birth, marriage, and death records, but wills, real estate transactions, cadastral surveys, censuses, and the many other ways that Gauguin left public traces throughout his life. Furthermore, they have applied this method to those around him – not only his family, but also friends, colleagues, models, dealers, and collectors. People who seemed impossibly obscure are now identified, discussed, and even pictured. Particularly impressive is the identification of the various sitters from Pont Aven, such as the *Portrait Presumed to be Marie Lagadu* (no. 290) and *Portrait of a Pont-Avennoise (Perhaps Marie Louarn)* (no. 293). Our understanding of these portraits is enriched by the documentation brought to bear on the riddle of the sitters and the circumstances of Gauguin's portraiture in Pont-Aven. The work of many scholars, particularly those of the Documentation du Musée de Pont-Aven, is discussed and acknowledged in sorting out the evidence.

It is also gratifying to see that the authors have reintegrated Mette Gauguin, Paul's wife of almost thirty years, back into the fabric of his life and career after years of being either angrily dismissed or disrespectfully overlooked. In addition to a lengthy treatment of Mette Gad Gauguin herself, this book takes seriously the role played by Danish and other Scandinavian friends and collectors in the promotion of Gauguin's career. Mette's sisters and brothers as well as her close friends from Copenhagen became the nucleus of an important network that introduced Gauguin's work into the Scandinavian art market in the 1880s and 1890s. Mette's sister, Ingeborg Gad Thaulow Brandès, was married to two of the most influential figures in Scandinavian cultural life of the late nineteenth century, the Norwegian painter Frits Thaulow and the Danish newspaper editor Edvard Brandès (brother of the critic and philospher Georg Brandès). Ingeborg not only influenced the Gauguins' personal lives through her close relationship with Mette and her drawn-out divorce from Frits Thaulow, but she also influenced their professional lives by bringing them into the lively and cosmopolitan intellectual circles of Copenhagen. Until recently Gauguin studies have been impoverished by the lack of recognition of this aspect of his patronage and cultural context.[10]

"People who seemed impossibly obscure are now identified, discussed, and even pictured. Particularly impressive is the identification of the various sitters from Pont Aven . . ."

[9] Nancy Mowll Mathews, *Paul Gauguin: An Erotic Life* (New Haven: Yale University Press, 2001).

[10] See *An Erotic Life* for a further discussion of Gauguin's Scandinavian connections, particularly Chapter IV, pp. 48–62.

"What Daniel Wildenstein and his team have done with the revised Gauguin catalogue raisonné flies in the fact of that reasoning. Wisely or unwisely, perhaps, they have tried be all things to Gauguin and may have failed in some of them. But the monumentality of the effort and the vast scale of the contribution, imperfect as it may be, still deserve applause."

However, in approaching the controversial, yet crucial, role of Mette Gauguin in the life and artistic affairs of her husband, the authors have not been as open to new sources of information either concerning her or the Gauguins' troubled marriage. Paul Gauguin himself made her a villain in his autobiographical writings such as *Avant et Après* (1903) and, of course, she is the key figure in the correspondence both as recipient of his letters and subject of his letters to others. The unflattering view of her[11] that the authors construct in the new catalogue, based largely on Gauguin's own writings, not only shows an uncritical acceptance of the artist's autobiographical statements as fact but also a strong desire to romanticize Gauguin that, while it may be an understandable tendency, goes unacknowledged in the text.

The unexamined view of Paul Gauguin's relationship with his wife is consistent with the authors' attempt to defend Gauguin's often questionable behavior in other situations as well. Examples such as Gauguin's pleading poverty to avoid paying his son's school fees while amassing enough money for a voyage to Panama,[12] his very problematic dalliance (at age forty) with the sixteen year old Madeleine Bernard,[13] and his frequent outbursts of physical violence, including against his wife,[14] are either surprisingly whitewashed or ignored. If the authors deem biographical information to be essential to their cataloguing project, then they are responsible for a more inclusive and balanced handling of all the available information. Gauguin's behavior both personally and professionally was questioned by most of the intelligent, worldly people who knew him (aside from the young men in their teens and twenties who increasingly populated his inner circle) and, since it shaped how he was received during his lifetime, it is important to acknowledge this complexity in our writing about him today.

These criticisms of the biographical information can also be made of the stylistic and cultural interpretations that are spread liberally throughout the book. While the documentary evidence is most welcome, especially when it expands into areas that have been overlooked in the past, the reader must always be on guard for a rehash of long-held assumptions about Gauguin and a subtle selectivity in the use of documentary sources. Since the information is drawn from such a vast array of references, it is hard for anyone but the specialist to detect bias or omission, but it has already begun to come from that quarter.[15] Furthermore, as new information is uncovered and new ways of looking at Gauguin are developed by scholars, much of the biographical, stylistic, and

---

11 The authors are relentless. For instance, in addition to repeating the usual criticisms made by her husband, the reminiscences of Mette by other people on p. 178 are drawn only from those who were dubious about her strong personality. Curiously, the lovely tribute to this hard-working single mother by Danish author, Otto Rung, cited in Merete Bodelsen's *Gauguin and Van Gogh in Copenhagen in 1893* (Copenhagen: Ordurpgaard, 1984, p. 28) is excluded. Her preference for wearing her hair short and smoking cigars in later life is also used against her. But she and Paul were in some ways soul mates – at the same time he had grown his hair long and wore flowing capes. For their crossing of gender lines in their appearance, see An Erotic Life, p, 24.

12 See p. 248. Gauguin expected his sister to pay the fees and when she refused, he left the boy on his own at the school for almost a year without visiting. He finally left for Martinique in April, 1887, using his money for himself and leaving Mette to borrow to pay off his debts.

13 See p. 448. Although the authors appreciate the delicacy of the age difference between the two, they peer no further into the character of a man who would openly court a sixteen-year-old.

14 The authors have chosen to ignore the report of the Gauguins' son Emil that he witnessed his father hitting his mother. See Victor Merlhès, *Paul Gauguin et Vincent Van Gogh* (Tahiti: Avant et Après, 1989), pp. 19–20.

15 For some early questions about interpretations in the catalogue, see Jirat-Wasiutynski, p. 240 and Richard Brettell, "The New Paul Gauguin," (February 2003), p. 73.

interpretive material will become outdated.

In the end, this is the argument against the inclusion of such material in a catalogue raisonné, and why some scholars, such as Barbara Lynes in her Georgia O'Keeffe catalogue, have banished it all together. The pure catalogue raisonné, sticking rigorously to only what has a direct bearing on the works themselves becomes an unencumbered tool for other scholars, especially the biographer, the analyst, and the interpreter. In this way, it remains fresh for generations as new theories and ideas are built upon it, until eventually it, too, requires an update.

What Daniel Wildenstein and his team have done with the revised Gauguin catalogue raisonné flies in the face of that reasoning. Wisely or unwisely, perhaps, they have tried to be all things to Gauguin and may have failed in some of them. But the monumentality of the effort and the vast scale of the contribution, imperfect as it may be, still deserve applause. I, for one, am happy to have these volumes on my shelf and will use them often. On the other hand, would I advise the team to dispense with the contextual material in the interest of seeing the remaining volumes come out sooner? Yes, I would. In my view, the related material would be better off incorporated into other studies, such as a completed cycle of Gauguin's letters and the many books and exhibition catalogues that will deal with parts of Gauguin's art in depth. At this point the priority should be bringing out the remaining catalogue of works as soon as possible.

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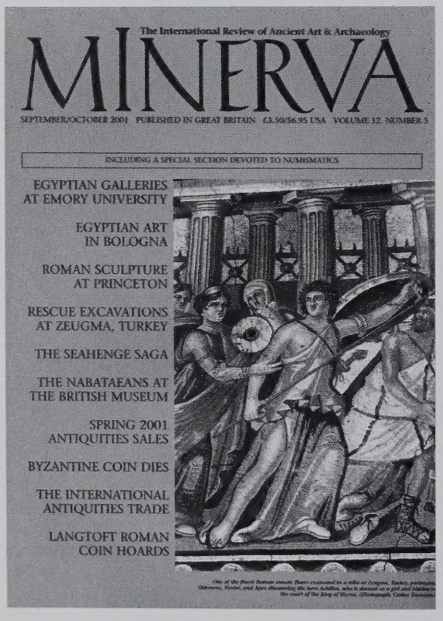
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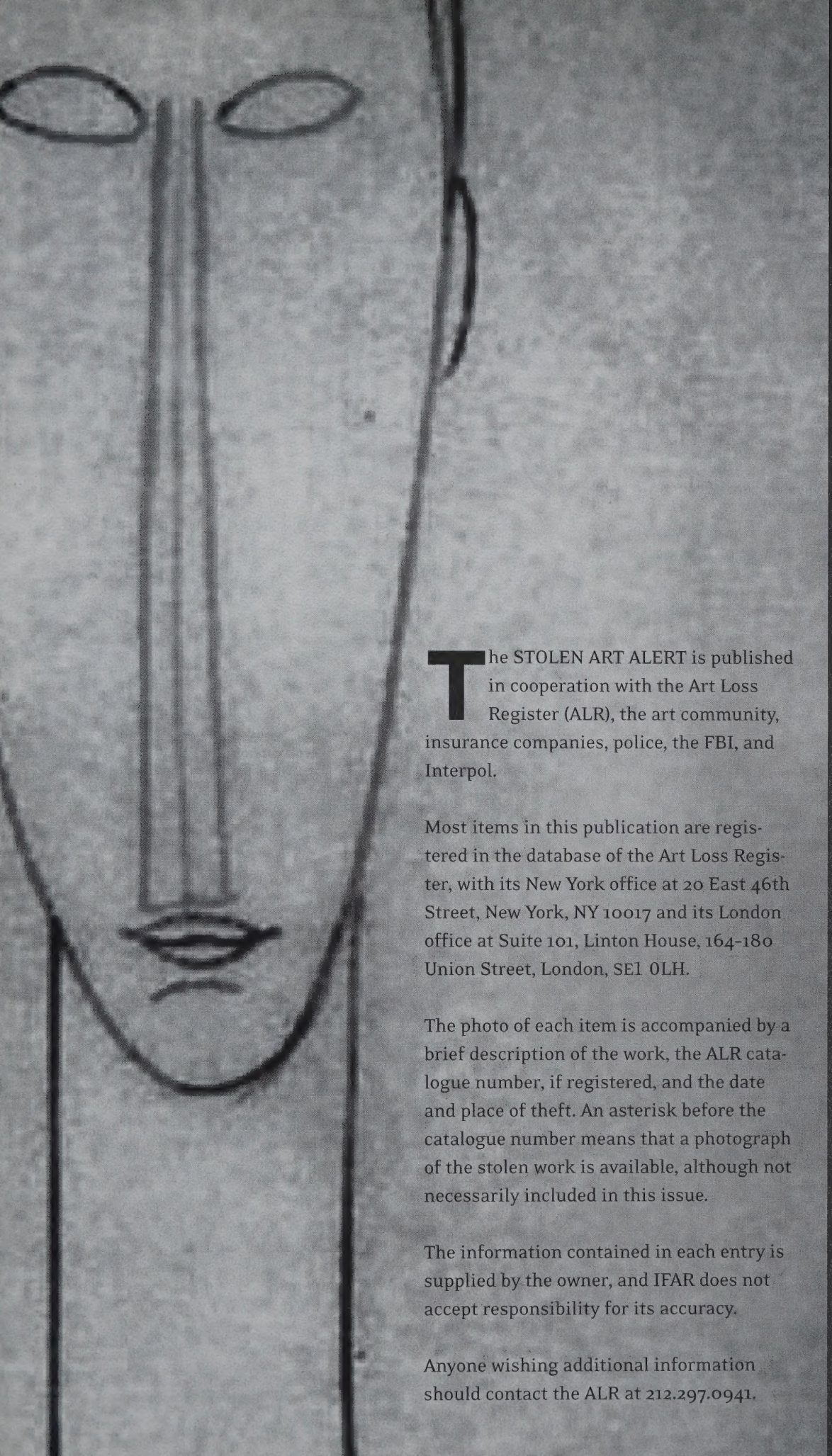

STOLEN ART ALERT

The STOLEN ART ALERT is published in cooperation with the Art Loss Register (ALR), the art community, insurance companies, police, the FBI, and Interpol.

Most items in this publication are registered in the database of the Art Loss Register, with its New York office at 20 East 46th Street, New York, NY 10017 and its London office at Suite 101, Linton House, 164-180 Union Street, London, SE1 0LH.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

The information contained in each entry is supplied by the owner, and IFAR does not accept responsibility for its accuracy.

Anyone wishing additional information should contact the ALR at 212.297.0941.

STOLEN ART*

PAINTINGS

79 MAN RAY (American, 1890-1976). *Swiftly Walk over the Western Wave*, 1940. See color photo on inside back cover.

80 SIR ALFRED MUNNINGS (English, 1878-1959). *Cornish Coast Between Penzance and Lamodna*, 1914. 20 ¼" x 24¼". *N03.192. Lost in transit in New York City in September 2003.

81 LEONARDO DA VINCI? (Italian, 1452-1519). *Madonna with Yarnwinder*, c.1501-1508. *L03.931. See color photo on inside back cover.

82 CORNELIS SPRINGER (Dutch, 1817-91). *The Orphanage at Enkhuizen.* Oil on canvas. 51.5 x 42.4 cm. *L03.1000. Stolen while on consignment in Wassenaar, The Netherlands on July 27, 2003.

83 VINCENT VAN GOGH (Dutch, 1853-90). *Landscape in the Neighborhood of Saint-Rémy*, December 1889. Oil on canvas, 33.0 x 41.0 cm. *N81.10. Stolen on December 7, 1980.

84 TIM THOMPSON (English, 19th century). *Magic Defeats Cambria* (or *The First Defense, America's Cup*, 1870), 1870. 15" x 19". *N03.197. Stolen in Mystic, CT in July 2003.

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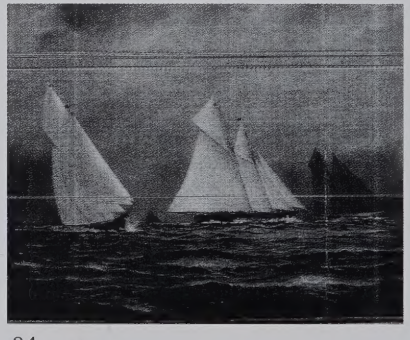

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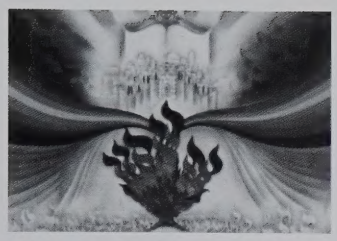

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85 MOSHE TZVI BERGER (Israeli, 20th century). *Psalm 93*, 2002. Acrylic on canvas. 20" x 26". *N03.217. Stolen in Los Angeles, CA in September 2003.

86 CARLETON LEHMAN (American, 1902-82). *Generals on Horseback*, 1942. See color photo on inside back cover.

87 CHRISTIAN RIESE LASSEN (American, 20th century). *Sorcerer of the Seas*, 1994. Acrylic on Trovicil. 30" x 20". Reported missing from the Galerie Lassen at the Forum Shops at Caesar's Palace in Las Vegas, NV on September 15, 2003.

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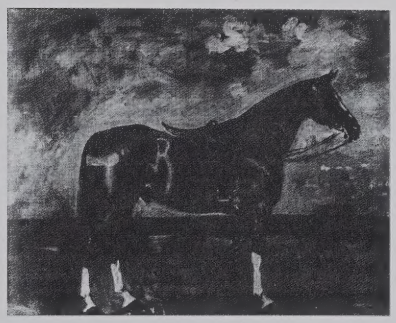


89

The following three paintings by Sir ALFRED MUNNINGS (English, 1878-1959) were stolen from Hobcaw Barony, Georgetown, SC on July 31, 2003. See also items 101-103 below. *N03.193:

88 *Belle on Souriant.* Oil on canvas. Serial #98234.

89 *Souriant II.* Oil on canvas. Serial #98235.

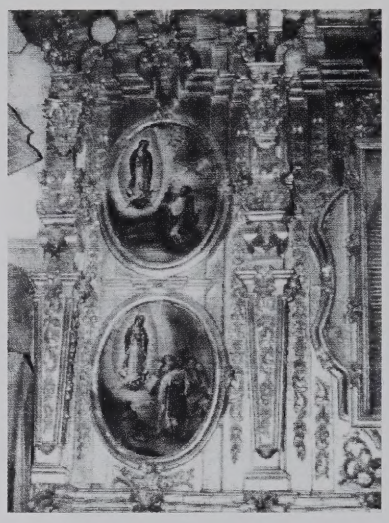
90 *Study of Belle and Horse.* Oil on canvas. Serial #98233.

90

The following two paintings were among five stolen from the church "Nuestra Señora del Carmen" in Hidalgo state, Mexico, on February 1, 2003. Interpol no. 20030709702:

91 *Appearance of Mother Mary to Juan Diego* (Spanish, 18th century). Oil on canvas. 0.90 x 0.65 m.

92 *Appearance of Mother Mary to Juan Diego* (Spanish, 18th century). Oil on canvas. 0.90 x 0.65 m.



91-92

93

The following three paintings were among 44 works of art stolen from a residence in Banja Luka, Bosnia-Herzegovina, on July 7, 2003. See also item 98 below. Interpol no. 20030709710:

93 PETAR DOBROVIC. *The Sea.* Oil on canvas. 26.5 x 34.5 cm. Signed l/l.

94 DJURO PULITIKA. *The Rain*, 1980. Oil on canvas. 60 x 79.5 cm. Signed and dated l/r.

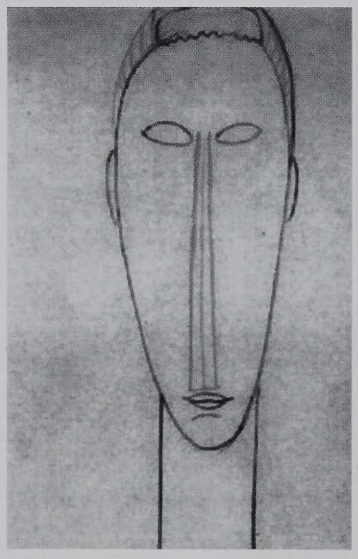
95 IGNJAT JOB. *Fish*, 1930. Oil on cardboard. 25.7 x 42 cm. Signed l/l.

94

95

WORKS ON PAPER

96 AMEDEO MODIGLIANI (Italian, 1884-1920). *Tête de Face*, 42.8 x 26.3 cm. *N03.203. Stolen in Lyford Cay, Bahamas in July 2002.



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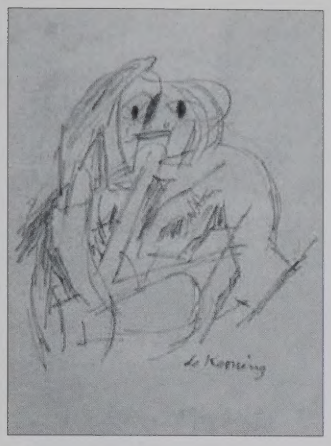

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98

97 WILLEM DE KOONING (Dutch/American, 1904-97). *Study from de Kooning's Woman Series*, 1952. Graphite on paper. 22" x 15 3/4". Signed l/r. *N03.195. Stolen from a private residence in southern California in July 2003.

98 VLAHO BUKOVAC. *Workshop in Paris*. Watercolor. 23.6 x 16.8 cm. One of 44 works of art stolen from a residence in Banja Luka, Bosnia-Herzegovina in July 2003. See also items 93-95 above. Interpol no. 20030709710.

99

PRINTS, ETCHINGS

The following two works by PABLO PICASSO (Spanish, 1881-1973) were stolen from the Russell Collection, Austin, Texas in July 2003 *N03.184:

99 *Le Chapeau à Fleurs*, 1962. Color linocut (chestnut brown) on Velin d'Arches paper. Bearing Arnera's oval stamp verso and annotated in pencil at botton margin "epreuve du palteau marron." Printed by Arnera, France. Bloch 1076 & 1149 Geiser/Baer 1304 I & II. Unframed: 13 7/8" x 10 3/4". Inventory number: 130645.

100 *Le Chapeau à Fleurs*, 1962. Color linocut (blue over four tones of brown)on Velin d'Arches paper. See color photo on inside back cover.

The following three works by JOHN J. AUDUBON (1785-1851) were stolen from Hobcaw Barony, Georgetown, SC on July 3, 2003. See also items 88-90 above. *No3.193:

101 *Pair of Pin Tailed Ducks.* U/r: Plate CCXXVII; l/l: "Drawn from nature by J. J. Audubon, FRE, MSW"; l/r: "engraved by RH Havell at bottom right"; bottom center: "Pin tailed Duck"; ANAS ACUTA"; "1.Male 2. Female."

101

102 *Barred Owl and Grey Squirrel.* U/r: "Plate XLVI"; centered: "Barred Owl"; "Male Adult"; Centered: "Strix Nebulosa"; "Grey Squirrel"; "Seurius Cinerus"; L/l: "Drawn from nature and published by John J. Audubon, FRSE, FLS, MWS"; l/r: "Engraved by R Havell, Jr., Printed and colored by R Havell, Sen. London, 182?"

102

103 *Female Turkey with Young.* Approx 2 ½' x 3½'. U/r: "Plate VI NO II"; l/l: "Drawn from Nature by John Audubon, FRSE, MWS"; l/r: "Engraved by WH Lizars, Edin"; bottom center: "Great American Hen and Young"; "Vulgo Female Wild Turkey Meleangus Callapora."

103

MIXED MEDIA

104 Ken Lum (Canadian, b. 1956). *Grace Chung Financial.* Plexiglass powder-coated aluminum, enamel paint, glue, plastic letters. *Lo3.1009. Stolen in transit from Paris to New York City sometime between February 6 and March 22, 2003.

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111

SCULPTURE

105 *Standing Four-Armed Vishnu* (Kulen, Cambodia, c.6th–7th centuries). Green polished stone. 49" x 24" x 9". *N03.204. Lost in transit in New York City between August 26 and August 30, 2003.

106 *Figure of a Dancer* (Indian, 12th century). Sandstone. Ht: 29". *N03.213. Lost in transit in New York City between 1997 and 2001.

107 MICHAEL WILKINSON (American, 20th century). *Dream Fragment I*, 1988. Acrylic. Ht: 18". Ed: #57/300. *N03.216. Stolen from a storage facility in Los Angeles, CA in September 2003.

108 *Saint Urban*, c.1800. Wood. Ht: 130 cm. Stolen from a chapel near the Church of Saint Urban in Dobrovlje, Slovenia on April 11, 2003. Interpol no. 20030507069.

109 *Cherub*, 1752. Sandstone. Ht. 100 cm. Stolen from Dolni Moravice, the Czech Republic, sometime between April 1 and April 20, 2003. Interpol no. 20030709129.

110 ANTOINE-LOUIS BARYE (French, 1795–1875). *Turkish Horse*. See color photo on inside back cover.

111 *Novo-Hispanic Cross* (Spanish Colonial period). Wood. Stolen from the "El Nigromante" Cultural Center, San Miguel Allende, Guanajuato, Mexico. Interpol no. 20030507402.

DECORATIVE ARTS

Silver

112-115 Four silver items. Among 40 such pieces stolen from the gallery named Payer Antiquitaeten-geschaeft in Zurich, Switzerland on July 1, 2003. Interpol no. 20030709913.

112

113

114

115

ICONS

116-117 Two icons among 23 stolen in Milan Italy on June 21, 2003. *L03.761.

116

117

CERAMICS, POTTERY, PORCELAIN

118 *Jug* (French, c.1550-1650). Inventory number F 1670 might be written at the bottom. *L03.763. Stolen from a museum in Rotterdam, The Netherlands on June 14, 2003.

119 *Manifattura di Signa* (Italian, late 19th-early 20th century). *Model of the Townley Vase*, c.1900. Terra-cotta. Diameter at the center: 20". *L03.1005. Stolen in Yorkshire, England on December 30, 2002.

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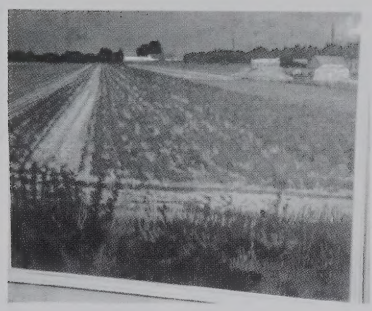

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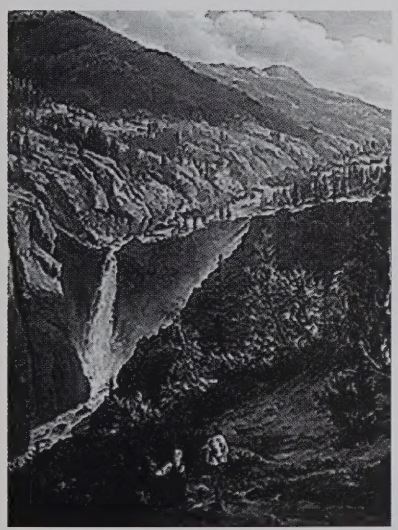

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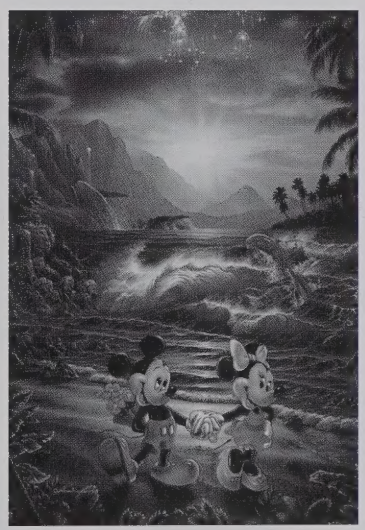


12

MISSING PAINTINGS**

1 ROBERT BUHLER (English, 1916-89). *Landscape*. *L03.784. Discovered missing from a business in June 2003.

RECOVERED PAINTINGS***

10 CASPAR DAVID FRIEDRICH (German, 1774-1840). *Nebelschwaden*, c.1818-20. Oil on canvas, 32.5 x 42.4 cm. *L94.979. Stolen from an exhibition at the Schirn Kunsthalle in Frankfurt in July 1994 along with two paintings by J.M.W. Turner. One of the Turners, *Shade and Darkness*, was recovered in July 2000. The other, *Light and Darkness*, was recovered last year. Both paintings were returned to the Tate Gallery, London. The Friedrich, recovered in August 2003, has been returned to the Hamburg Kunsthalle.

11 Johan Cristian Dahl (Norwegian, 1788-1857). *Rjukanfoss*, 1830. Oil on canvas. Stolen from a mansion at Vaekeroe in Oslo in early June 2003. Returned by the thieves two weeks later.

12 CHRISTIAN RIESE LASSEN (American, 20th century). *Seaside Romance*, 1994. Acrylic on Trovicil. 30" x 20". Reported missing from the Galerie Lassen at the Forum Shops at Caesar's Palace in Las Vegas, NV on September 15, 2003. Recovered in early October.

**Numbering for the year 2003 Cumulative Index of Missing Art begins with this issue.

***Numbering for the year 2003 Cumulative Index of Recovered Art began with *IFAR Journal*, Vol. 5, no. 4.

ANTIQUITIES

IRAQI ART LOSS

Additional antiquities reported stolen/looted from the Iraq Museum, Baghdad, in April 2003 (see also *IFAR Journal*, Vol. 6, nos. 1&2)

Cylinder Seals

120 *Cylinder Seal.* Shell. 33 x 19 mm. IM #15619.

121 *Cylinder Seal.* Brown stone. 30 x 22 mm. IM #18959.

122 *Cylindric Seal.* Shell. 34 x 20 mm. IM #48419.

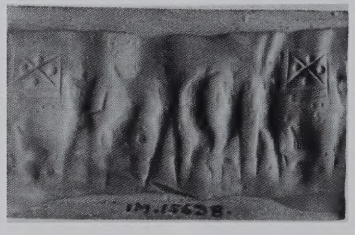
123 *Cylindric Seal.* Shell. 40 x 20 mm. IM #15638.

124 *Cylindric Seal.* Grey stone. 15 x 8 mm. IM #18987.

120

121

122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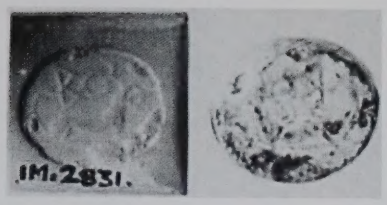

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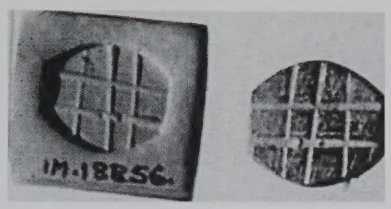

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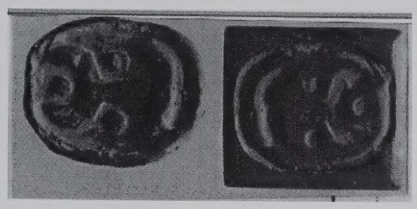


128

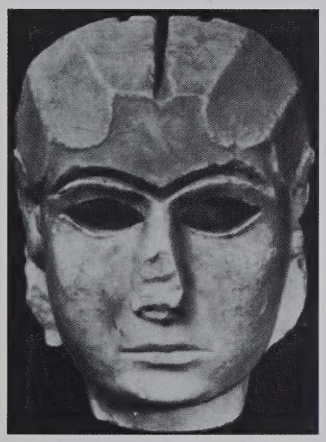
Seals

125 *Stamp Seal.* IM #2831.

126 *Elliptic Stamp Seal.* Stone. Ht: 1.6 cm. IM #18856.

127 *Conical Seal.* Stone. IM #2084.

128 *Stamp Seal.* Clay/Terracotta.



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14

RECOVERED IRAQI ART

13

(CUSTOMS ITEM 1) *Head of a Sumerian Woman* (Warka/Uruk, c.3000 BC). 21.5 cm. White Marble. Cat. #21, IM #45434. Reported stolen from the Iraq Museum, Baghdad, in April 2003. Recovered on September 15, 2003.

14

(CUSTOMS ITEM 14) *The Bassetki Statue.* Hollow cast copper. With an old Akkadian Royal inscription of Narm-Sin of Agade (2291-2255 BC) on the pedestal. The upper

IFAR FLASHBACK

25 YEARS AGO

"The establishment of a clearinghouse to document illicit art traffic has been widely proposed as one of a complex of activities that would facilitate identification and recovery of stolen works and serve as a potential deterrent to thefts. . . .

This report is devoted to analyzing the potential effectiveness of such an archive and feasibility of establishing this resource on a worldwide scale. . . .

In the course of this study, we have encountered ample evidence of the need for such a resource. . . . [The] appropriateness of linking an art theft archive to a source of scholarly art expertise such as the International Foundation for Art Research has also become apparent. . . .

The remainder of this report will be devoted to an analysis of art theft, its effect on a variety of professional groups, and the means used in these quarters to combat this problem."

(*Art Theft: its scope, its impact, and its control*, 1978, by Bonnie Burnham for the International Foundation for Art Research)

20 YEARS AGO

"U.S. Legislation to implement the 1970 UNESCO Convention on Cultural Property passed both houses of Congress on December 21 and was signed by the President on January 12 [1983]. . . . The law is intended to help control the destruction of monuments, the commercial exploitation of ethnographic material, and looting of archaeological sites. These situations are seen to be stimulated by the international market in artifacts.

Unlike most of the countries that have ratified the Convention, the U.S. has substantially modified its scope in the implementing legislation. . . .

At the same time that this legislation has passed unopposed by its former antagonists, the Association of Dealers in Ancient, Oriental, and Primitive Art, a new bill has been introduced into the Senate Judiciary committee to neutralize a particular grievance of this group: the influential McClain decision. . . . The proposed revision would assert that no archaeological or ethnographic material will be considered stolen under U.S. law solely on the basis of a declaration by a foreign government that it owns all the cultural property found in the country. . . ."

(*Stolen Art Alert*, Vol. 4, no. 1, Jan/Feb 1983)

15 YEARS AGO

"In the light of evidence that they may all be forgeries, one hundred and ninety-three works of art which formed a "Mikhail Larionov" exhibition at the Frankfurt Schirn-Kunsthalle in 1987 and then in Geneva at the Musée Rath (March 10-April 24, 1988) have been placed in custody until a Swiss court decides whether they are fakes. . . . The questionable authenticity of a large group of Larionovs - estimates range from 1,100 to 1,500 - had been rumored for two and a half years, since they had begun to appear on the market. On May 6, 1988, the Art Dealers Association sent out an alert about them.

[François] Daulte was one of the first scholars to express his concern that the pastels in the exhibition were forgeries. Daulte knew Larionov and his first wife, Natalia Gontcharova, ever since the Second World War. . . .

The Swiss court will have to decide if the works are fake and, if so, who is responsible for them. . . ."

(*IFARreports*, Vol. 9, nos. 7&8, July-Aug 1988)

5 YEARS AGO

"The five-month-long trial of John Drewe and others accused in an elaborate scheme to forge and sell works by 20th century masters and tamper with archival records in the Tate and V&A in order to produce false provenances ended on February 12 [1999]. Drewe, 50, was found guilty of two counts of forgery, and one each of theft, conspiracy to defraud, and using a false instrument "with intent." He received a 6-year jail sentence. . . [An] accomplice, John Myatt, an impoverished artist who had admitted his involvement and testified against Drewe, was also found guilty."

(*IFAR Journal*, Vol. 2, no. 1, Winter 1998/99)

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79 MAN RAY (American, 1890-1976). *Swiftly Walk over the Western Wave*, 1940. Oil on panel. 16 x 24 cm. *No3.174. Lost in transit between New York and London in February 2001.

81 LEONARDO DA VINCI(?) (Italian, 1452-1519). *Madonna with Yarnwinder*, c.1501–1508. Oil on panel, 18¼" x 14". *L.03.931. Stolen from the collection of the Duke of Buccleuch & Queensbury, KT at Drumlanrig Castle, Thornhill, Dumfries & Galloway, Scotland, on August 27, 2003. See story p. 10.

110 ANTOINE-LOUIS BARYE (French, 1795-1875). *Turkish Horse.* Silvered bronze. *L03.999. Stolen in transit en route to Chicago, IL from the UK on July 30, 2003.

100 PABLO PICASSO (Spanish, 1881–1973). *Le Chapeau à Fleurs*, 1962. Color linocut (blue over four tones of brown)on Velin d'Arches paper. Bearing Arnera's oval stamp verso and annotated in pencil at botton margin "Le 22-3-62 tirage du bleu sur marron fance/1er Etat."Printed by Arnera, France. Bloch 1076 & 1149 Geiser/Baer 1304 I & II. Unframed: 13 7/8" x 10¾". Inventory number: 130645. *No3.184. Stolen from the Russell Collection, Austin, TX in July 2003. See also, item 99, p. 49, this issue.

86 CARLETON LEHMAN (American, 1902-82). *Generals on Horseback*, 1942. Oil on canvas. 6'5" x 10'2". Stolen from Monterey Hall, Presidio of Monterey, CA in May 1995. The U.S Army CID is offering a $2,000 reward (until Feb. 17, 2004) for information. Contact SA John Spann at (831) 393-1851 or the Presidio of Monterey Police Dept. at (831) 242-7851/52.

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